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# ILLINOIS

## REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 24, Issue 20  
May 12, 2000

Pages 7,028 - 7,456

Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017  
<http://www.sos.state.il.us>



Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

# ILLINOIS REGISTER

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Issue 16 - April 14, 2000: Data Through March 31, 2000
Issue 29 - July 14, 2000: Data Through June 30, 2000
Issue 42 - October 13, 2000: Data Through September 30, 2000
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## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
Issue 6	January 31	February 14**	Issue 33	July 31	August 11
Issue 7	February 7	February 18	Issue 34	August 7	August 18
Issue 8	February 14	February 25	Issue 35	August 14	August 25
Issue 9	February 22*	March 3	Issue 36	August 21	September 1
Issue 10	February 28	March 10	Issue 37	August 28	September 8
Issue 11	March 6	March 17	Issue 38	September 5*	September 15
Issue 12	March 13	March 24	Issue 39	September 11	September 22
Issue 13	March 15	March 26	Issue 40	September 18	September 29
Issue 14	March 20	March 31	Issue 41	September 25	October 6
Issue 15	March 27	April 7	Issue 42	October 2	October 13
Issue 16	April 3	April 14	Issue 44	October 10*	October 20
Issue 17	April 10	April 21	Issue 43	October 16	October 27
Issue 18	April 17	April 28	Issue 44	October 23	November 3
Issue 19	April 24	May 5	Issue 45	October 30	November 13**
Issue 20	May 1	May 12	Issue 46	November 6	November 17
Issue 21	May 8	May 19	Issue 47	November 13	November 27 **
Issue 22	May 15	May 26	Issue 48	November 20	December 1
Issue 23	May 22	June 2	Issue 49	November 27	December 8
Issue 24	May 30*	June 9	Issue 50	December 4	December 15
Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

\* Tuesday 12 noon deadline following a state holiday.

\*\* Monday publication date following a state holiday.

## ILLINOIS COMMERCE COMMISSION

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED RULES

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Certification Requirements and Standards of Service for Meter Service Providers

- 2) Code Citation: 83 Ill. Adm. Code 460

- 3) Section Numbers: Proposed Action:

460.10	New Section
460.15	New Section
460.20	New Section
460.30	New Section
460.40	New Section
460.50	New Section
460.60	New Section
460.70	New Section
460.80	New Section
460.100	New Section
460.110	New Section
460.120	New Section
460.130	New Section
460.200	New Section
460.210	New Section
460.220	New Section
460.230	New Section
460.240	New Section
460.250	New Section
460.300	New Section
460.310	New Section
460.320	New Section
460.330	New Section
460.340	New Section
460.350	New Section
460.360	New Section
460.370	New Section
460.380	New Section
460.390	New Section
460.400	New Section
460.410	New Section
460.420	New Section
460.430	New Section
460.440	New Section
460.450	New Section
460.460	New Section
460.470	New Section
460.500	New Section
460.510	New Section
460.520	New Section
460.530	New Section
460.600	New Section

4) **Statutory Authority:** Implementing and authorized by Section 16-108(a) of the Public Utilities Act [220 ILCS 5/16-108(a)].

5)	A Complete Description of the Subjects and Issues Involved: 16-108(a) of the Public Utilities Act provides in relevant part:	Section

The Commission shall otherwise have the authority pursuant to Article IX to review, approve, and modify the prices, terms, and conditions of those components of delivery services offered by the utility companies of the Federal Energy Regulatory Commission, including, but not limited to, the following: (i) determine the extent to which such delivery services should be offered on an unbundled basis; (ii) making any such determination the Commission shall consider, at a minimum, the effect of such unbundling on (i) the objective of just and reasonable rates, (ii) electric utility employees, and (iii) the development of competitive markets for electric energy services in Illinois.

These proposed rules are designed to set standards for the entry into the field of meter services, which is a component of electric delivery services that is not subject to federal jurisdiction. The proposed rules define the services that are subject to this part, delineate the application procedure, set the financial, technical, and managerial requirements for certification and for reporting of continued compliance with certification requirements, establish standards of service, set minimum standards for meter worker qualifications, and institute safety requirements.

- 6) Will these proposed Rules replace emergency Rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? Yes
- 9) Are there any other proposed rules pending on this Part? No
- 10) Statement of Statewide Policy Objectives: these proposed rules neither

10) Statement of Statewide Policy Objectives: These proposed rules neither create nor expand any state mandate on units of local government, school districts, or community college districts.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed with:

Donna M. Caton  
Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue

## ILLINOIS COMMERCE COMMISSION

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P.O. Box 19280  
Springfield, IL 62794-9280  
(217)782-7434

Comments should be filed with the Chief Clerk within 45 days after the date of this issue of the *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses. small municipalities and not for profit corporations affected. These proposed rules will affect those meter service providers that are also small businesses as defined in the Illinois Administrative Procedure Act.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting and recordkeeping procedures

C) Types of professional skills necessary for compliance: Managerial and engineering

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not previously anticipate the requirement for these rules.

The full text of the Proposed Rules begins on the next page:

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TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER C: ELECTRIC UTILITIES

## PART 460

## CERTIFICATION REQUIREMENTS AND STANDARDS OF SERVICE FOR METER SERVICE PROVIDERS

## SUBPART A: GENERAL PROVISIONS

Section	
460.10	Definitions
460.15	Meter Service Components
460.20	Application
460.30	Requirements for Applicants
460.40	Required Filings and Procedures
460.50	Customer Records and Information
460.60	License or Permit Bond Requirements
460.70	Confidential Documentation
460.80	Penalties for Violations or Non-conformances

## SUBPART B: REQUIREMENTS FOR CERTIFICATION

Section	
460.100	Financial Qualifications
460.110	Technical Qualifications
460.120	Managerial Qualifications
460.130	Qualifications of Agents and Contractors

## SUBPART C: PROCEDURES FOR REPORTING CONTINUING COMPLIANCE WITH CERTIFICATION REQUIREMENTS

Section	
460.200	General Provisions
460.210	Erroneous or Defective Reports
460.220	Certification of Compliance with Subparts D, E and F
460.230	Financial Reporting Requirements
460.240	Managerial Reporting Requirements
460.250	Technical Reporting Requirements

## SUBPART D: STANDARDS OF SERVICE

Section	
460.300	Exemption or Modification
460.310	Complaints
460.320	Customer Call Centers
460.330	Meter Records



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460.340 Metering Service Requirements  
 460.350 Separate Metering  
 460.360 Testing Facilities and Equipment  
 460.370 Customer Meter Accuracy Requirements  
 460.380 Installation Inspections  
 460.390 Initial Tests  
 460.400 Accuracy Testing of Customer Meters  
 460.410 Sample Testing Procedures  
 460.420 Meter Tests Requested by Customer  
 460.430 Meter Tests Requested by Entity  
 460.440 Corrections and Adjustments for Meter Error  
 460.450 Meter Tampering, Theft of Service, and Illegal Taps  
 460.460 Meter Reading and Meter Data Management  
 460.470 Retention of Related Records

SUBPART E: METER WORKER QUALIFICATIONS

Section  
 460.500 General Qualifications for Meter Workers  
 460.510 Illinois Class 1 Qualification  
 460.520 Illinois Class 2 Qualification  
 460.530 Illinois Class 3 Qualification

SUBPART F: SAFETY REQUIREMENTS

Section  
 460.600 Reports of Accidents  
 460.610 Site Inspections

AUTHORITY: Implementing and authorized by Section 16-108(a) of the Public Utilities Act [220 ILCS 5/16-108(a)].

SOURCE: Adopted at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

Section 460.10 Definitions

"Acceptance testing" means the approval of a group of meters based on statistical testing procedures.

"Act" means the Public Utilities Act [220 ILCS 5].

"Advanced metering system" means any metering system that does not require on-site meter reading.

"Alternative retail electric supplier" or "ARES" means the same as

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that term is defined in Section 16-102 of the Act [220 ILCS 5/16-102].

"Answer time" means a measurement from the point the last digit of the entity's telephone number is dialed, or if a menu-driven system is used, from the point the last menu digit is dialed by the subscriber and the call is answered by the entity.

"Applicant" means a person that files an application with the Illinois Commerce Commission to provide metering service as a meter service provider under Section 16-108(a) of the Act [220 ILCS 5/16-108(a)].

"Average error" means the difference between 100% and the average percent registration as defined in Section 460.150(d).

"Best's Key Rating Insurance Guide" refers to a report published by A. M. Best that assigns ratings to insurance companies to provide an overall opinion of an insurance company's ability to meet its obligations to policyholders.

"Billing multiplier" means the number by which a meter register reading is multiplied to obtain actual usage data. The billing multiplier shall include the transformer multiplier and meter multiplier.

"Bodily injury" means bodily impairment, sickness, or disease sustained by a person, including death resulting from the bodily impairment, sickness, or disease.

"Business enterprise" means a commercial enterprise or establishment.

"Certificate of insurance" means a document evidencing the fact that an insurance policy has been written and includes a statement of the coverage of the policy in general terms.

"Commission" means the Illinois Commerce Commission.

"Commission referee test" means the accuracy test of any customer's electric meter made in the presence of one or more members of Commission Staff.

"Complaint" means an objection made to a meter service provider, by a customer or other entity, as to its charges, facilities, or service, the disposal of which requires investigation or analysis.

"Commercial general liability insurance" means insurance that covers suits against the insured for such damages as injury or death and property damage.

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"Creep" means a continuous apparent accumulation of energy in a meter with voltage applied and the load terminals open circuited.

"Customer" has the same meaning as "retail customer".

"Delivery services" means the same as that term is defined in Section 16-102 of the Act [220 ILCS 5/16-102].

"Delivery service provider" or "DSP" means the electric utility providing delivery services.

"Demand" means the electric consumption at the point of delivery measured over a specified interval of time in order to estimate the instantaneous electric load.

"Dun & Bradstreet Business Information Report" means a credit report on businesses published by Dun & Bradstreet or its successor.

"Electric cooperative" means the same as that term is defined in Section 3.4 of the Electric Supplier Act [220 ILCS 30/3.4].

"Electric utility" means the same as that term is defined in Section 3-105 of the Act [220 ILCS 5/3-105].

"Entity", as used in this Part, shall mean each electric utility while providing services within its service area, each electric utility while providing electric power and energy outside its service area, any alternative retail electric power supplier providing services subject to 83 Ill. Adm. Code 410, and any electric cooperative or municipal system but only when it provides services as an ARES outside its service territory.

"Escrow account" means a bank account held in the name of the depositor (the applicant or meter service provider) and an escrow agent that is returnable to the depositor or paid to a third person on fulfillment of the escrow condition (i.e., liability obligations of the meter service provider).

"Escrow agent" means the State or national bank or trust company having trust authority in the State of Illinois with which the applicant established an escrow account.

"Experian Small Business Intelliscore report" means a credit report on individuals or businesses published by Experian or its successor.

"Instrument transformer" means a transformer used for meter that reproduces in its secondary circuit, in a definite and known proportion, the voltage or current of its primary circuit, with the

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phase relation substantially preserved.

"Intelliscore" means a score range from 0 to 100 that reflects Experian's assessment of the likelihood of a business becoming seriously delinquent on its outstanding obligations, as reported in the Experian Small Business Intelliscore report.

"License bond" means an obligation of a surety to pay the monies that the meter service provider owes the State of Illinois for violations of the duties and obligations imposed on it as a meter service provider.

"Management position" means an employed position whereby an individual is responsible for directing, supervising, or administering the activities of a group of two or more people with fiscal responsibility and authority over that group.

"Meter multiplier" means the number (other than one) by which the meter register reading is multiplied to obtain meter data not adjusted for the effect of instrument transformation on the calculated amount of actual usage.

"Meter service provider" or "MSP" means every provider of metering service certified by the Commission under the provisions of this Part.

"Meter shop" means a facility containing equipment used by a meter service provider for determining the accuracy of meters.

"Metering service" means the performance of functions related to the provision, installation, testing, maintenance, repair and reading of electric meters used for billing of retail customers and maintaining electric usage data as well as the maintenance and management of meter information and meter data with respect to those meters. See Section 460.15.

"Municipal system" means any public utility owned and operated by any political subdivision or municipal corporation of the State of Illinois, or owned by such an entity and operated by any lessee or agent thereof.

"PAYDEX Score" is a number from 1 to 100 that represents Dun & Bradstreet's assessment of a company's payment performance, as reported in the Dun & Bradstreet Business Information Report.

"Permit bond" has the same meaning as "license bond".

"Person", as used in this Part, means the same as the term is defined in Section 3-114 of the Act [220 ILCS 5/3-114].

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"Point of delivery" means the point at which the entity providing distribution facilities connects its lines or equipment to the lines or facilities owned or rented by the customer, without regard to the location or ownership of transformers, substations or meters, unless otherwise provided for by written contract or tariffs.

"Portable standards" means instruments such as watt-hour meters, volt-meters, and ammeters that are used outside the meter shop to test customer meters.

"Property damage" means physical injury to or destruction of property, including all resulting loss of use of that property, or loss of use of property that is not physically destroyed, provided such loss of use is caused by the physical injury to or destruction of other property.

"Public liability" means insurance liability protection against claims arising out of the insured's property or conduct, or the conduct of his agent.

"Ratings agency" means Standard Poor's or its successor, Moody's Investors Service or its successor, Duff & Phelps or its successor, or Fitch IBCA or its successor.

"Reference standards" means instruments (e.g., watt-hour meters, volt-meters, and ammeters) that are used only for verifying the accuracy of working or portable standards and whose accuracy is traceable back to the national standard maintained by the National Institute of Standards and Technology or its successor.

"Retail customer", as used in this Part, means the same as the term is defined in Section 16-102 of the Act [220 ILCS 5/16-102].

"Self-insurance" means providing self-coverage for damages and liabilities instead of through an insurance company.

"Service watt-hour meter" means an electricity meter used for billing retail customers and maintaining meter usage data that measures and registers the integral, with respect to time, of the real power that flows in the circuit to which the meter is connected. This also includes meters that measure demand in watts.

"Small commercial retail customer" means the same as the term is defined in Section 16-102 of the Act [220 ILCS 5/16-102].

"Standby letter of credit" means an instrument or document issued by a financial institution guaranteeing the payment of the MSP's liability obligations. The standby letter of credit is used to satisfy claims

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against the MSP only after the MSP fails to fulfill its obligations.

"Surety bond" means an obligation of a surety to pay the monies that the principal (the applicant or MSP) owes another party in the event the principal fails for whatever reason to fulfill its obligations.

"Technical staff" means a staff of trained technical experts in electric metering and related support functions.

"Test amps" means the electrical current used during meter accuracy testing as designated by the manufacturer and displayed on the meter.

"Transformer multiplier" means the product of the current transformer ratio multiplied by the potential transformer ratio when instrument transformers are part of a metering installation.

"Unconditional guarantee" means an undertaking by a guarantor to pay or fulfill the obligation on failure of the principal obligor to fulfill its contractual obligations. An unconditional guarantee shall contain the following provisions:

The guarantee is one of payment and not collection;

The guarantor's obligations under the guarantee are weighed equally with other guarantees;

The obligations from transactions entered into under the original guarantee shall be the subject of an ongoing guarantee;

The guarantee reinstates if any guaranteed payment made by the primary obligor is recaptured as a result of bankruptcy or insolvency;

The guarantee is binding on successors of the guarantor;

The guarantor has subjected itself to jurisdiction and service of process with the laws of the State of Illinois, and has agreed that the guarantee will be construed in accordance with the laws of the State of Illinois without reference to conflict of laws principles; and

The guaranteed obligations are unconditional, irrespective of value, genuineness, validity, waiver, release, alteration, amendment, and enforceability of the guaranteed obligations.

"Var-hour meter" means an electricity meter that measures and registers the integral, with respect to time, of the reactive power of the circuit in which it is connected. This includes meters that



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measure demand in vars.

"Working standards" means instruments (e.g., test benches and demand boards) that are used in meter shops to test the accuracy of customer meters.

#### Section 460.15 Meter Service Components

Metering service consists of the following 16 functions:

- a) Meter reading. On site visual data retrieval from metering and/or data retrieval from metering on site or remotely via a form of electronic communication using a computerized device as applicable.
- b) Meter equipment installation. The tasks associated with the physical assembly and placement of metering equipment for an electrical service.
- c) Meter equipment exchange. The tasks associated with the physical removal and the installation of metering equipment at an electrical service.
- d) Meter equipment removal. The tasks associated with the physical extraction of metering equipment from an electrical service.
- e) Maintenance of the meter system components. The remote or on-site testing, calibration, programming, modification, repair and replacement of meter system components.
- f) Meter communications device installation and maintenance. The remote or onsite installation, testing, calibration, programming, modification, repair and replacement of meter communication devices.
- g) Meter equipment provision. The ability of the MSP to supply and install metering equipment.
- h) Initiating or transfer of metering service. The removal, replacement, disabling, modification, or programming of metering equipment, for the purpose of establishing or changing the provider of metering service.
- i) Meter accuracy testing. Tasks associated with verifying the accuracy of measurement of the metering equipment ultimately used for billing in accordance with applicable standards for required testing contained in this Part.
- j) Meter equipment design and engineering. Analyzing, specifying and documenting customers' metering equipment requirements.
- k) Meter attribute record keeping. Meter attribute record keeping will include, but not be limited to, what is required by Section 460.330.
- l) Accept raw meter data. The act of retrieving meter usage data used for billing from either the meter equipment directly, or from the agent or contractor with which the MSP has contracted to perform the retrieval function.
- m) Translate data into format for internal processing. The act of converting raw meter data received into a convenient internal format for storage, archiving, validating, editing, and estimating and other business processes.
- n) Associate meter reads with customer identifiers for use in validation

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or estimation. The verified matching of meter data with the corresponding customer records.

- o) Validate, edit and estimate translated meter data. The act of checking a customer's translated meter data against documented thresholds for errors and/or omissions using documented estimation procedures to correct and edit meter data that fails the data integrity check.
- p) Translate data into common formats and posting to server. The act of converting the validated, edited, and estimated data into documented common formats and posting to server accessible to market participants.

#### Section 460.20 Application

This Part sets forth minimum requirements and shall apply to any applicant and MSP in this State. This Part shall not apply to an electric cooperative's operations or to a municipal system's operations within its service territory, nor shall it apply to any electric utility's operation within the utility's service territory.

#### Section 460.30 Requirements for Applicants

Each applicant shall include with its application the following items:

- a) The applicant shall certify that it will comply with all applicable Federal, State, regional and industry rules, policies, practices, procedures and tariffs for the use, operation, maintenance, safety, integrity, and reliability of the electric system. The applicant shall certify compliance with all other applicable laws and regulations and Commission rules and orders.
- b) The applicant shall certify that the only retail customers to which it will directly provide metering service are those that are taking delivery services.
- c) The applicant shall certify that it will comply with informational and reporting requirements that the Commission may by rule establish.
- d) The applicant shall provide the following:
  - 1) Applicant's name and street address.
  - 2) Applicant's Federal Employer Identification Number (FEIN).
- e) The applicant shall demonstrate that:
  - 1) The applicant is licensed to do business in the State of Illinois; and
  - 2) The employees of the applicant that will be installing, operating, and maintaining metering facilities within the State of Illinois, or any agent or contractor with which the applicant has contracted to perform those functions within the State of Illinois, has, or will have prior to performing those functions, the requisite knowledge, skills, and competence, as set forth in Subpart E, to perform those functions in a safe and responsible manner in order to provide safe and reliable service.

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**Section 460.40 Required Filings and Procedures**

- a) The applicant shall publish notice of its application for certification in the Official State Newspaper within 10 days following the filing of the application for certification. The applicant shall file proof of publication with the Chief Clerk of the Commission. No later than 45 days after the application is properly filed with the Commission, and such notice is established, the Commission shall issue its order granting or denying the application.
- b) All applications for certification under this Part shall be verified as required by Section 200.130 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.130).
- c) The applicant shall identify the geographic area or geographic areas in which the applicant seeks authority to offer service. The applicant shall provide the following:
  - 1) Description of the applicant's business;
  - 2) Description of the characteristics of customer groups the applicant proposes to serve; and
  - 3) Proof that notification of an intent to serve in any utility's service area has been previously provided to the agent, designated by the electric utility pursuant to 83 Ill. Adm. Code 215.10, of each electric utility in whose service area the applicant intends to serve.
- d) Itemized Filing Requirements
  - 1) At the time the applicant files an application for certification under this Part, the applicant shall also file its statement in support of application, supporting documents, and schedules containing information showing that the applicant meets the requirements of this Part.
  - 2) The applicant shall certify compliance with all terms and conditions required by Sections 8-201 through 8-207, 8-301, 8-302, 8-303, 8-305, 8-507, 16-119, 16-122, 16-123, and 16-128(a) of the Act [220 ILCS 5/8-201, 8-202, 8-203, 8-204, 8-205, 8-206, 8-207, 8-301, 8-302, 8-303, 8-305, 8-505, 5-507, 16-119, 16-122, 16-123, and 16-128(a)], to the extent those Sections have application to the services being offered by the MSP.
  - e) Contents of documents shall be consistent with Subpart B of the Commission's Rules of Practice (83 Ill. Adm. Code 200: Subpart B).

**Section 460.50 Customer Records and Information**

- a) The applicant shall agree to adopt and follow rules and procedures ensuring that authorizations received from customers, customer billing records, and requests for metering service transmitted to utilities are retained for a period of not less than two calendar years after the calendar year in which they were created. In addition to other lawful means of discovery, these records shall be made available by

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request to the Commission or its Staff on a confidential and proprietary basis, as necessary to carry out the Commission's obligations under the Act.

- b) The applicant shall preserve the confidentiality of its customer's data, and shall agree to adopt and follow rules and procedures to preserve the confidentiality of its customer's data.
- c) In the event that an MSP renders a bill to a retail customer for providing meter services, the bill shall indicate the period of time for which the bill is rendered, a description of the service rendered, the due date of the bill and a toll-free telephone number to contact for further information.

**Section 460.60 License or Permit Bond Requirements**

- a) The applicant shall execute and maintain a license or permit bond issued by a surety or insurance company authorized to transact business in the State of Illinois in favor of the People of the State of Illinois. The amount of the bond shall equal \$150,000. The bond shall be conditioned upon the full and faithful performance of all duties and obligations of the applicant as an MSP and shall be valid for a period of not less than one year. The cost of the bond shall be paid by the applicant. The applicant shall file this bond as part of its application for certification.
- b) In the event that a license or permit bond is cancelled, expires or is drawn upon, the MSP shall execute and maintain an additional or replacement bond such that the cumulative value of all outstanding bonds never falls below the amount required in subsection (a) of this Section. The MSP shall file a copy of the additional or replacement bond with the Chief Clerk of the Commission and provide a copy to the Manager of the Commission's Financial Analysis Division or his or her successor at least 15 days in advance of the effective date of the bond. The filing shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the MSP as it appears in the most recent Commission order granting the MSP certification.
- c) In the event that a license or permit bond is modified, the MSP shall file a copy of the modified bond with the Chief Clerk of the Commission and provide a copy of that bond to the Manager of the Financial Analysis Division or his or her successor at least 15 days in advance of the effective date of the modification. The filing shall include a cover letter that explains the purpose of the filing and shall be identified by the name of the MSP as it appears in the most recent Commission order granting the MSP certification.

**Section 460.70 Confidential Documentation**

If an applicant believes any of the information to be disclosed by the applicant or MSP is privileged or confidential, the applicant or MSP shall

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request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430 or Section 4-404 of the Act. The applicant or MSP shall designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Chief Clerk of the Commission. The applicant or MSP shall explain why such information is entitled to such protection in a supporting document pursuant to Section 460.40(d)(1).

**Section 460.80 Penalties for Violations or Non-conformances**

In the event that, after notice and hearing held on complaint or on the Commission's own motion, the Commission finds that an MSP is in violation of or non-conformance with one or more of the provisions of this Part, the Commission shall:

- a) Order the MSP to cease and desist, or correct, any such violation of or non-conformance with the provisions of this Part;
- b) Order the MSP to pay financial penalties not to exceed \$10,000 per occurrence or \$20,000 per day for those violations or non-conformances that continue after the Commission issues a cease-and-desist order; and
- c) Alter, modify, revoke or suspend the certificate of service authority of an MSP for substantial or repeated violations of or non-conformances with the provisions of this Part.

**SUBPART B: REQUIREMENTS FOR CERTIFICATION****Section 460.100 Financial Qualifications**

An applicant that meets and maintains all of the financial requirements described in this Section will be deemed to have sufficient financial resources to provide metering services to electric customers taking service under a utility's delivery services tariffs in the State of Illinois.

- a) Creditworthiness
  - 1) The applicant provides a copy of a Dun & Bradstreet Business Information Report that demonstrates, at a minimum, that the applicant has a Composite Credit Appraisal of "3" or lower and a PAYDEX score of "70" or higher. At the time of application for certification, the report shall be no more than 30 days old.
  - 2) If the applicant does not have a Dun & Bradstreet Composite Credit Appraisal, the applicant provides a copy of an Experian Small Business Intelliscore report that demonstrates, at a minimum, that the applicant has an Intelliscore of "63" or higher. At the time of application for certification, the report shall be no more than 30 days old.
- b) Insurance
  - 1) The applicant carries Commercial General Liability insurance, including Bodily Injury and Property Damage coverage. This

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insurance coverage shall be for a minimum of \$5 million per occurrence with an annual aggregate limit of not less than \$5 million. The policy shall provide insurance against third-party injury, including death, and third-party property damage; including, without limitation, injury to the customer and the employees and agents of the customer and of the DSP, and damage to the property of the customer and the DSP, caused by any act or omission of the MSP or of its employees, contractors, or other agents, in the conduct of the MSP's business. The policy shall recognize claims brought against the MSP by its customers and the entity supplying electricity to the customer. The insurance policy shall be valid for a period of not less than one year.

- A) The applicant shall provide a certificate of insurance to the Commission as part of its application for certification. The certificate of insurance and the insurance policies shall contain a provision that coverage afforded under the policies shall not be cancelled, allowed to expire, or subjected to reduction in the limits in any manner unless at least 30 days prior written notice (10 days notice in the case of nonpayment of premium) has been given to the Commission.

- B) All insurance coverage required by this Section shall be provided by insurance companies having ratings of A or better and financial sizes of VII or larger in the latest edition of Best's Key Rating Insurance Guide or its successor that is in effect as of the issuance date of the certificate of insurance.

- 2) Self-Insurance. The applicant may self-insure its liability exposure if it is authorized by the Illinois Industrial Commission to provide self-insurance for its obligations under the Workers' Compensation Act [820 ILCS 305]. As part of its application for certification, the applicant shall provide a copy of its Self-Insurance Certificate of Approval under Section 4 of the Workers' Compensation Act or the related rules (50 Ill. Adm. Code 7100.70). If the applicant is required to furnish security, indemnity, bond, or other provision for securing its workers' compensation obligations, then it shall be required to provide an unconditional guarantee, surety bond or standby letter of credit, or establish an escrow account to cover liability obligations that may be caused by any act or omission of the MSP or of its employees, contractors, or other agents, in the conduct of the MSP's business. The unconditional guarantee, surety bond, or standby letter of credit shall be issued in an amount of \$5 million and be valid for a period of not less than one year.

- A) Unconditional Guarantee. The guarantor shall be an affiliate of the applicant that maintains at least one of the following commercial paper ratings: A-2 or higher from Standard & Poor's or its successor, p-2 or higher from



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Moody's Investor Service or its successor, D-2 or higher from Buif & Phelps or its successor, or F-2 or higher from Fitch IBCA or its successor; or at least one of the following long-term credit ratings: BBB- or higher from Standard & Poor's or its successor, Baa3 or higher from Moody's Investor Service or its successor, BBB- or higher from Buif & Phelps or its successor, or BBB- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the rating agency reports that present the ratings of the affiliate that is the guarantor, and the unconditional guarantee.

B) Surety Bond. The surety bond or surety bonds shall be issued by a surety authorized to transact business in the State of Illinois. The applicant shall provide a copy of the surety bonds and the authorization for the surety to transact business in the State of Illinois.

C) Standby letter of Credit. The standby letter of credit shall be irrevocable and issued by a financial institution with a long-term obligation rating of A- or higher from Standard & Poor's or its successor, A3 or higher from Moody's Investor Service or its successor, A- or higher from Buif & Phelps or its successor, or A- or higher from Fitch IBCA or its successor. The applicant shall provide a copy of the standby letter of credit and the ratings agency report that presents the long-term obligation rating of the financial institution extending the credit.

D) Escrow Account. Deposits under escrow agreements shall be cash, negotiable United States government bonds, or negotiable general obligation bonds of the State of Illinois. Such cash or bonds shall be deposited in escrow with any State or national bank or trust company having trust authority in the State of Illinois. Securities used to fund an escrow account shall have at all times a market value at least equal to the minimum amount of commercial general liability insurance required under subsection (b)(1), \$5 million. The applicant shall provide the name and business address of the escrow agent, the authorization giving the escrow agent trust authority in the State of Illinois, and a copy of a statement from the escrow agent detailing the type and amount of funds deposited in the escrow account.

## Section 460.110 Technical Qualifications

a) An applicant shall be deemed to possess sufficient technical capabilities to serve retail customers if it maintains a technical staff on duty or on call 24 hours each day to operate and maintain the applicant's facilities as needed. This technical staff shall include a

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person with previous experience of at least two years demonstrated electric metering experience and a person with at least two years operational experience. The persons used to meet the operational experience requirements shall have at least one year of information management experience and one year of technical supervisory experience.

b) Any person performing actual meter work in the field shall have the appropriate qualifications for the class of metering installation being worked on as set forth in Subpart E.

## Section 460.120 Managerial Qualifications

An applicant shall be deemed to possess sufficient managerial capabilities to serve retail customers if it has one or more management persons with four or more years of experience in a management position with a business enterprise.

a) The applicant shall include in its application an exhibit containing occupational background information on the persons or agents who are being used to meet the requirements of this Section.

b) The applicant shall include in its application an exhibit containing a corporate organizational chart and indicate the position of the persons or agents who are being used to meet the requirements of this Section.

## Section 460.130 Qualifications of Agents and Contractors

An applicant may meet the requirements of Sections 460.110 and 460.120 by entering into one or more contracts with others to provide the required services, provided that:

- Each agent and contractor on whom the applicant relies to meet Section 460.110 or Section 460.120 is disclosed in the application;
- The term of each contract is disclosed in the application;
- The applicant shall certify that the agent or contractor will comply with all Sections of Part 460 applicable to the function or functions to be performed by the respective agent or contractor; and
- The applicant shall certify that it retains responsibility for the compliance of agents or contractors with all Sections of Part 460 applicable to the function or functions to be performed by the respective agent or contractor.

SUBPART C: PROCEDURES FOR REPORTING CONTINUING COMPLIANCE WITH  
CERTIFICATION REQUIREMENTS

## Section 460.200 General Provisions

a) All WSPs shall continue to remain in compliance with the provisions of the Act and this Part. If an WSP received a certificate before the effective date of any provision of this Part that applies to applicants seeking certification to serve the same type of customer in

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the same geographic area, the MSP shall demonstrate that it has come into compliance with the provision no later than January 31 of the year following the year during which the provision took effect.

- b) All reports required under this Subpart shall be under oath and shall be filed with the Chief Clerk of the Commission with copies provided to the Manager of the Energy Division and the Manager of the Financial Analysis Division or their successors. The reports shall be identified with the name of the MSP as it appears in the most recent Commission order granting the MSP certification.
- c) All reports made to the Commission by any MSP shall be open to public inspection, unless otherwise ordered by the Commission. Such reports shall be preserved in the office of the Commission.

**Section 460.210 Erroneous or Defective Reports**

- a) When any report is erroneous or defective or appears to the Commission Staff to be erroneous or defective, the Commission Staff shall notify the MSP to amend the report within 30 days, and before or after the termination of the 30-day period the Commission Staff may examine the officers, agents, or employees, and books, records, accounts, vouchers, plant, equipment and property, of the MSP, and correct items in the report the Commission Staff finds defective or erroneous.

- b) If, after notice and hearing, the Commission finds that the MSP has failed to make and file any report required by the Commission within the time specified, or to make specific answer to any question propounded by the Commission within 30 days from the time it is lawfully required to do so, or within such further time, not to exceed 90 days, as may in its discretion be allowed by the Commission, the Commission shall revoke the certification to provide meter services previously granted to the MSP.

**Section 460.220 Certification of Compliance with Subparts D, E and F**

Prior to December 31 of each year after its certification, the MSP shall annually certify that it complies with the requirements of Subparts D, E and F of this Part. Contents of documents shall be consistent with Subpart B. of the Commission's Rules of Practice (83 Ill. Adm. Code 200: Subpart B). The applicant shall provide the following along with its certification:

- a) The MSP's name and street address;
- b) The MSP's Federal Employer Identification Number (FEIN).

**Section 460.230 Financial Reporting Requirements**

- a) The MSP shall provide a copy of the documents that this Part requires to demonstrate that it has sufficient financial resources to provide metering services to retail electric customers. The documents shall be submitted annually between December 1 and December 31.
- b) The MSP shall file an updated copy of a Dun & Bradstreet Business

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Information Report that demonstrates, at a minimum, that the MSP has a Composite Credit Appraisal of "3" or lower and a PAYDEX score of "70" or higher. The report shall be no more than 30 days old at the date of the annual filing.

- c) If the applicant does not have a Dun & Bradstreet Composite Credit Appraisal, the MSP shall file an updated copy of an Experian Small Business Intelliscore report that demonstrates, at a minimum, that the MSP has an Intelliscore of "63" or higher. The report shall be no more than 30 days old at the date of the annual filing.

- d) The MSP shall file evidence of insurance in one of two ways:

- 1) File a certificate of insurance as evidence that the Commercial General Liability policy was renewed for at least one year and the liability coverage will continue; or

- 2) MSPs that qualify to self-insure for the liability obligations shall file a copy of the Self-Insurance Certificate of Approval under Section 4 of the Workers' Compensation Act [820 ILCS 305].

MSPs that qualify to self-insure but are required to provide an unconditional guarantee, surety bond, letter of credit, or establish an escrow account shall file:

- A) A copy of the latest ratings report presenting the commercial paper or long-term credit or obligation ratings of the guarantors or financial institutions that issued the letter of credit, as applicable, between December 1 and December 31 of each year and within 15 days following any downgrade of such ratings previously filed with the Commission;
- B) Copies of any modified, replacement, or additional unconditional guarantees, letters of credit, surety bonds, or escrow accounts, as applicable, at least 15 days in advance of any modification, cancellation, or expiration of the financial agreements; and
- C) A statement presenting the type and balance of securities deposited in the escrow account, as applicable.

**Section 460.240 Managerial Reporting Requirements**

An MSP shall certify prior to December 31 of each year that it continues to maintain the required managerial qualifications for the service authority granted in its certificate. An MSP that meets the managerial qualifications requirements by entering into one or more contracts with others to provide the required services shall identify each agent or contractor on whom the MSP relies to meet the requirements and the term of each contract, and shall certify that the agent or contractor will comply with all Sections of Part 460 applicable to the function or functions to be performed by the respective agent or contractor and that the MSP retains responsibility for the compliance of agents or contractors with all Sections of Part 460 applicable to the function or functions to be performed by the respective agent or contractor.

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**Section 460.250 Technical Reporting Requirements**

An MSP shall certify during January of each year that it continues to maintain the required technical qualifications for the service authority granted in its certificate. An MSP that meets the technical qualifications requirements by entering into one or more contracts with others to provide the required services shall identify each agent or contractor on whom the MSP relies to meet the requirements and the term of each contract, and shall certify that the agent or contractor will comply with all Sections of Part 460 applicable to the function or functions to be performed by the respective agent or contractor and that the MSP retains responsibility for the compliance of agents or contractors with all Sections of Part 460 applicable to the function or functions to be performed by the respective agent or contractor.

## SUBPART D: STANDARDS OF SERVICE

**Section 460.300 Exemption or Modification**

Any MSP may file an application requesting modification of or exemption from any provision in this Subpart that applies to the MSP. Upon showing that the modification or exemption is economically and technically sound and will not compromise safety, reliability or the service obligations of the MSP, the Commission shall grant the request for modification or exemption. A petition for exemption or modification shall be filed pursuant to 83 Ill. Adm. Code 200 and shall set forth specific reasons and facts in support of the requested exemption or modification. Any request for modification or exemption shall be served on all entities in which the MSP is providing metering service where the service will be changed.

**Section 460.310 Complaints**

- a) Each MSP shall investigate each complaint received. The receipt of all written complaints shall be acknowledged in writing or verbally.
- b) Each complaint received by an MSP shall be documented and any records required by this Part shall be made available to Commission personnel upon request. Each record shall contain, at a minimum, the name and address of the complainant, the time of day and the date received, the nature of the complaint, the result of the investigation and/or analysis, when and by whom conducted, the final disposition of the complaint, and the date of the disposition.
- c) Records of complaints related to accuracy of metering equipment or data, other than requests for meter rereads, shall be kept in the following manner: Each MSP receiving such complaints shall keep an index or file containing all the complaints for three years, separated by year. If the MSP chooses to maintain an index of complaints, it shall contain enough information to allow access to individual records of each complaint.

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**Section 460.320 Customer Call Centers**

- a) Each MSP shall maintain a customer call center where customers can reach a representative to discuss meter service issues. At least once every six months, each MSP shall provide information to its retail customers explaining how to contact the call center. The average answer time for calls placed to the call center shall not exceed 60 seconds where a representative or automated system is ready to render assistance and/or accept information to process calls. The abandon rate for calls placed to the call center shall not exceed 10%. Each MSP shall maintain records of the call center's telephone answer time performance and abandon call rate. These records shall be kept for a minimum of two years and shall be available to Commission personnel upon request. In the event that answer times and/or abandon rates exceed the limits established above, the MSP may provide the Commission or its personnel with explanatory details. At a minimum, these records shall contain the following information in monthly increments:
  - 1) Total number of calls received;
  - 2) Number of calls answered;
  - 3) Average answer time;
  - 4) Number of abandoned calls; and
  - 5) Abandon call rate.
- b) MSPs that do not have electronic answering capability that meets the requirements of subsection (a) shall notify the Commission's Consumer Service Division when filing an application for certification and work with Staff to develop individualized reporting requirements as to the call volume and responsiveness of the call center.
- c) On or before March 1 of every year, each MSP shall file with the Chief Clerk of the Commission a report for the preceding calendar year on its answer time and abandon call rate for its call center as described in subsection (a). A copy of the report shall be sent to the Manager of the Consumer Services Division.

**Section 460.330 Meter Records**

- a) Each MSP shall keep records that contain the following information about each service watt-hour meter and var-hour meter the MSP owns or has in service in this State:
  - 1) manufacturer and date of purchase, along with any testing data provided by the manufacturer that is used by the MSP for acceptance testing of the meter;
  - 2) manufacturer or MSP identification number, or service delivery point identifier;
  - 3) nameplate data, including:
    - A) form designation or circuit description;
    - B) "watt-hour meter" or other description;
    - C) manufacturer's name or trademark;

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- D) manufacturer's type;
- E) electrical current class;
- F) rated voltage;
- G) number of wires;
- H) frequency;
- I) test amperes;
- J) watt-hour meter constant; and
- K) watt-hour meter test constant (where applicable);
- 4) date and place of present or most recent installation;
- 5) date of type of last major repair, or of final disposition; and
- 6) accuracy of each meter in accordance with the testing policies set forth in this Subpart, including:
  - A) date of test;
  - B) reason for test;
  - C) reading and accuracy of meter as found and as left;
  - D) creep test results, if applicable;
  - E) identification of person performing test; and
  - F) identification of equipment used to test meter.

- b) Each MSP shall keep records of tests of the accuracy of each of its service watt-hour meters installed in this State until superseded by a later test, but not less than three years. Each MSP shall keep all other records required by this Subpart for not less than three years.
- c) Each MSP having service watt-hour meters installed in this State shall compile a report of the results of all meter accuracy tests required by this Part at least once each year. This report will include the number of meters tested and the number of meters that tested outside of accuracy limits for each of the following categories: sample testing, periodic testing, and at customer request. Each MSP shall keep this report for not less than 8 years.

## Section 460.340 Metering Service Requirements

- a) Each service watt-hour meter shall have a register or display on the front of the meter that displays energy consumption in a definite and known proportion to the actual energy consumption of that customer; is plainly visible; and can be read by the customer. This requirement may be waived in writing by the customer. This requirement shall not affect the MSP's right to secure meters for safety reasons, or in situations in which the meter is subject to excessive risk of damage or tampering. At the customer's request, a representative for the MSP shall explain to the customer how to read the meter used for billing that customer.
- b) If a billing multiplier is used to calculate customer usage, the MSP shall mark the billing multiplier on the front of the meter (or other location on the metering installation where the multiplier is plainly visible) and identify it as such at the time of installation or test, using a permanent marking method.
- c) No meter shall be installed that is known to be mechanically or

electrically defective, or that has not been tested in accordance with this Subpart and shown to comply with the accuracy requirements in this Subpart.

- d) Meters shall be installed so as to be accessible to metering personnel for reading, testing, and making adjustments and repairs.
- e) Meters installed by MSPs shall, at a minimum, meet the standards set forth in the American National Standards Institute's (ANSI) Code for Electricity Metering (1995 edition, approved June 12, 1995, published by the National Electrical Manufacturers Association, 1300 N. 17th Street, Suite 1847, Rosslyn, Virginia, 22099), Section 4.7. This incorporation does not include any later amendment or edition.
- f) The MSP may refuse to install a meter or to serve a customer if, in the MSP's judgement, the metering installation is hazardous or of such character that satisfactory service cannot be provided. In case of refusal, the MSP shall inform the customer in writing of the reason for refusal to render service and shall notify within 24 hours by telephone or in person the customer and all entities providing service to that customer.

## Section 460.350 Separate Metering

- a) Except as otherwise provided in subsection (c), a separate meter shall be used to measure the electricity that is consumed within, and controlled by the occupant of, each individual unit contained in any new building, newly remodeled portion of an existing building, or new mobile home park for which a building permit was obtained on or after November 1, 1981, or, if no permit was required, for which construction was commenced on or after November 1, 1981. Such separately metered consumption shall be used as the basis for billing the occupant of the individual unit as a separate customer.
- b) Definitions--For purposes of this Section, the following definitions shall apply:
  - 1) "Individual unit" means each portion of a building that is separately leased, rented or owned.
  - 2) "Control" means the ability of the occupant of an individual unit to determine the timing and amount of electricity consumed. Electricity used for central space heating, central water heating, central ventilation or central air conditioning systems is not "controlled" by the occupant of the individual unit.
  - 3) "Remodeled portion of a building" means each area in which interior alterations are made that are required by local code or ordinance.
  - 4) "Mobile home park" means contiguous parcels of land used for the accommodation of occupied mobile homes.
  - 5) "Multi-unit building" means buildings with more than four individual units.
- c) Exceptions--Separate metering and billing of electricity shall not be required for the following:



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- 1) Units within buildings normally considered to be temporary domiciles, such as motels, dormitories, health care facilities and nursing homes.
- 2) Residential units that do not have kitchen and bathroom facilities separate from common use facilities.
- 3) Portions of buildings in which separate metering is impractical, such as concession stands in lobbies, and individual offices that share office service areas.
- 4) Buildings for which space heating is provided by electric lighting and that qualify for service under special rates.
- 5) Multiple-unit buildings that are designated as congregate, assisted-living care facilities for elderly or handicapped persons.
- d) Waiver--Any applicant for electric service who is refused metered service by an MSP, and who has exhausted his remedies in the informal complaint process set forth by the Commission (83 Ill. Adm. Code 200.160), may file a formal complaint (83 Ill. Adm. Code 200.170) with the Commission seeking a waiver from the requirements of this Section or the corresponding rules of the MSP. The complaint shall comply with the Commission's Rules of Practice (83 Ill. Adm. Code 200) and shall name the MSP as a Respondent. The complaint shall allege that the long-run benefits of separate metering, such as conservation of energy and equitable rates to consumers, are outweighed by the associated costs or that separate metering would otherwise be impractical or unreasonable.

**Section 460.360 Testing Facilities and Equipment**

- a) Each MSP shall provide a meter shop adequately equipped with reference standards, instruments and other facilities, equipment, and personnel necessary to make the tests required of the entity by this Part. Each MSP shall provide working standards and portable standards necessary to make the tests required of the MSP by this Part. All apparatus and equipment shall be available at all times during the MSP's established business hours for the inspection of or use by authorized representatives of the Commission. If meters used for billing and maintaining customer usage data are tested at a facility located outside the State, the MSP shall take precautions to insure that such meters are not damaged in transit to or from that testing facility.
- b) Each MSP shall verify the accuracy of all reference standards at least once every twelve months. If such a comparison indicates that the reference standard is in error by more than 0.5% on any combination on which it will be used, the MSP shall adjust the standard to reduce the inaccuracy, if possible. In any case, the MSP shall apply the correction indicated by the certificate or calibration card accompanying the instrument pursuant to subsection (d).
- c) When in use for testing meters, all solid state working and portable standards shall be compared against a reference standard at least

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- once every six months. All other working and portable standards used regularly for testing meters shall be compared to a reference standard at least once every month. When working or portable standards are used for purposes other than testing meters, they shall be compared to a reference standard at least once each year. If found in error by more than 0.5%, the MSP shall adjust the instrument to read within the specified limits or shall apply the proper correction factor.
- d) Each working, portable or reference standard shall be accompanied at all times by a certificate or calibration card signed or initialed by the person responsible for the calibration giving the date and results of the last calibration of the instrument. The MSP shall keep any superseded certificates or calibration cards on file for three years.
  - e) From time to time, an authorized representative of the Commission may check or establish the accuracy of all testing equipment owned by each MSP that is used for testing metering equipment used or intended for use in this State, as well as the methods of operating such equipment. Commission Staff shall perform an audit of each MSP's testing equipment and methods at least every three years. The MSP shall reimburse the Commission for all expenses related to audits of meter shops used or maintained by the MSP located outside the State.

**Section 460.370 Customer Meter Accuracy Requirements**

- a) The accuracy of service watt-hour meters shall be determined using the following criteria:
  - 1) Light Load test: 10% of test amps at 100% power factor;
  - 2) Heavy Load test: 100% of test amps at 100% power factor; and
  - 3) Power Factor test: 100% of test amps at 50% lagging power factor.
 The power factor test is only required on meter shop tests.
- b) Accuracy limits:
  - 1) On any test of a service watt-hour meter, the meter shall be left so adjusted that the error shall not be in excess of the following:
    - A) Average error: 1% fast or slow.
    - B) Error at heavy load: 1% fast or slow.
    - C) Error at light load: 1% fast or slow.
    - D) Error at power factor: 2% fast or slow.
  - 2) Meters shall not be deliberately set in error by any amount.
- c) Each MSP shall test a service watt-hour meter for creep at the time it makes any accuracy test of that meter if the percent registration at light load deviates by greater than 2% from the percent registration at heavy load. No service watt-hour meter found to creep shall be placed in service or allowed to remain in service in such condition. The average percent registration of a watt-hour meter shall be determined by adding the light load registration to four times the heavy load registration and dividing that quantity by five.
- e) Demand meters, when tested on the loads specified in this Section, shall be adjusted, if necessary, to meet the following requirements:

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- 1) Demand Meters other than Lagged Demand Meters:
  - A) Electrical element--Error shall not exceed that specified for service watt-hour meters in this Section.
  - B) Timing element--When used to measure time interval only, error shall not exceed 2%. When used also to keep a record of time of day at which the demand occurs, error shall not exceed 0.25%.
- 2) An MSP shall not install, provide, or maintain lagged demand meters in this State.

**Section 460.380 Installation Inspections**

Within 90 days after installation or exchange of any meter with associated instrument transformers and/or phase-shifting transformers at a new or re-wired metering location, a post-installation inspection shall be made under load to determine if the meter is accurately measuring customer energy consumption.

**Section 460.390 Initial Tests**

Initial tests are tests made before installation, regardless of whether the meter and associated devices have previously been in service. Each meter and associated devices (unless included in the sample testing plan in Section 460.410) shall be inspected and tested in the meter shop of the MSP or other location that meets the requirements of this Part before being placed in service, and the accuracy of the meter shall be within the tolerances permitted by this Part. If a meter is removed from a customer's premises, except for field testing, it shall be tested and inspected as described above before it is placed in service again. If creep or inaccuracy is discovered in a meter removed from service, the MSP shall correct the metering data as detailed in Section 460.440.

**Section 460.400 Accuracy Testing of Customer Meters**

- a) Each service watt-hour meter and var-hour meter shall be inspected and tested according to the schedule in subsection (b). At the time a service watt-hour meter or var-hour meter is tested, any demand meter associated with it shall be inspected or tested. Each demand meter shall be tested at least as often as the meter with which it is associated and, as nearly as practicable, at the same time. If the service watt-hour meter is of the type in which the same element that measures watt-hours is used to measure demand, then the watt-hour test and the demand test shall be considered to be one and the same.
- b) Alternating current service watt-hour meters and associated var-hour meters shall be tested according to the following schedule:
  - 1) Self-contained single-phase and three-wire network meters:
    - A) Non-demand:
      - i) Sample according to Section 460.410, or
      - ii) 8 years

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- B) Demand:
  - i) with pulse-operated electronic demand registers: 4 years
  - ii) with surge-proof magnets or solid state: 8 years
- 2) Self-contained 480 volt single-phase and poly-phase meters; transformer-rated single-phase meters:
  - A) Non-demand:
    - i) with surge-proof magnets: 8 years
    - ii) without surge-proof magnets: 4 years
  - B) Demand:
    - i) Mechanical meters with pulse-operated electronic demand registers: 4 years
    - ii) with surge-proof magnets or solid state: 8 years
  - 3) Transformer-rated poly-phase meters: 4 years.

**Section 460.410 Sample Testing Procedures**

- a) Any MSP that chooses to use sample testing shall use the procedures prescribed in any of the following documents (alone or in combination, as appropriate) to sample test non-demand self-contained single-phase or three-wire network meters.
  - 1) ANSI/ASQC Z1.4-1993 "Sampling Procedures and Tables for Inspection by Attributes", approved 1993, American Society for Quality Control, 611 East Wisconsin Avenue, Milwaukee WI 53202.

No later amendment or editions are incorporated by this Subpart.

- 2) ANSI/ASQC Z1.9-1993 "Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming", approved 1993, American Society for Quality Control, 611 East Wisconsin Avenue, Milwaukee WI 53202. No later amendment or editions are incorporated by this Subpart.

- b) Sample lots shall consist of meters of the same basic type and purpose.
- c) A minimum Acceptable Quality Level of 2.5% shall be adopted as part of each MSP's sampling plan.

- d) Each MSP shall perform 100% testing on all used or remanufactured meters purchased.
- e) Each MSP using sample testing shall file a yearly report no later than March 31 of the following year with the Chief Clerk of the Commission and provide a copy to the Manager of the Energy Division or any successor detailing the sample plan used in the previous year along with the results of the testing program.

**Section 460.420 Meter Tests Requested by Customer**

- a) Upon customer request, the MSP shall test the customer's meter within 30 days after receiving the request, unless the customer agrees to a later time. The meter test shall be performed between the hours of 7 a.m. and 4 p.m. Monday through Friday, excluding holidays, unless some

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other time is agreed upon by the entity and the customer. The test shall be performed at the meter installation location and in the customer's presence, unless the customer gives consent for the meter to be removed and/or tested outside the customer's presence.

- b) If the customer's meter has been tested at the request of an entity or customer while in service at the same location within the past six months, the MSP may provide the results of such test in reply to the customer's request in lieu of the test specified in subsection (a).

- c) An MSP shall not require any payment from the customer for a meter test, unless a test has been performed on that meter at that customer's request within the previous twelve months, or information has been provided as in subsection (b) within the past six months. In such cases, the customer shall be required to pay \$40 to the MSP. The MSP shall refund the \$40 deposit to the customer if the MSP finds that the meter over-registers by more than 2%.

- d) Commission Referee Tests

- 1) Upon written application to the Commission by any customer, the MSP providing metering service shall test the customer's meter within 30 days after receiving notice of the written request from the Commission, unless the customer agrees to a later time. The application for a Commission referee test shall be accompanied by a fee of \$20. The MSP shall conduct this test under the supervision of a representative of the Commission.

- 2) On receipt of such a request from a customer, the Commission shall notify the MSP. After the MSP has received notice that application has been made for a referee test, the MSP shall not disturb the meter in any way, unless the customer or the Commission gives written permission for the meter to be removed.
- 3) The MSP shall furnish to the Commission's representative such assistance as may be required to make the test. The representative of the Commission shall make a written report of the results of the test to the customer within 30 days after the test.

- 4) If upon test the meter is found to over-register by more than 2%, the MSP shall reimburse the customer the amount paid to the Commission for the test. The MSP shall also make any necessary metering data adjustment.

- e) No MSP shall be required to perform more than two tests of the same meter installed at the same location at customer request within a twelve month period, unless a Commission referee test is requested. After a Commission referee test, the MSP shall not be required to test the same meter for a period of at least twelve months.

## Section 460.430 Meter Tests Requested by Entity

- a) Upon request from an entity, the MSP shall test the meter within 30 days after receiving the request, unless the entity agrees to a later

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time. The meter test shall be performed between the hours of 7 a.m. and 4 p.m. Monday through Friday, excluding holidays, unless some other time is agreed upon by the entity and the customer. The test shall be performed at the meter installation location and in the presence of a representative of the requesting entity, unless the requesting entity gives consent for the meter to be removed and/or tested without the representative's presence.

- b) If the meter has been tested at the request of an entity or customer while in service at the same location within the past six months, the MSP may provide the results of such test in reply to the entity's request in lieu of the test specified in subsection (a).

- c) Meter tests requested by entities may be performed at any time agreeable to the MSP and the entity if the customer's electrical service will not be interrupted by the test. If the customer's electrical service shall obtain permission from the affected customer to interrupt the service before the test is performed.

- d) The entity requesting the meter test shall be required to pay the actual cost (not to exceed \$250) of performing the test to the MSP performing the test. The MSP performing the test shall refund the payment to the entity if the meter over-registers by more than 2%.

- e) The MSP providing metering service shall not be required to provide more than one test on the same meter at the same location more than once every three years at the request of another MSP, unless the other MSP requests a Commission referee test.

- f) If an entity requests a Commission referee test, the requesting entity shall pay \$20 to the Commission and the actual cost (not to exceed \$250) of the test to the MSP. If the meter over-registers by more than 2%, the MSP shall refund both fees to the requesting entity and shall make any necessary meter data adjustment. The MSP shall not be required to provide a Commission referee test on the same meter at the same location more than once every twelve months.

## Section 460.440 Corrections and Adjustments for Meter Error

- a) Regardless of the source of inaccuracy in a customer's meter usage data, the MSP shall correct the data and provide corrected data for all affected billing periods to all entities billing the customer.

- b) Whenever any test made by an MSP or by the Commission shows a meter to have an average error of more than 2%, a correction of the metering data shall be determined by the MSP and that correction shall be conveyed within 3 business days to the retail customer and to other entities involved in billing the retail customer.

- c) When a meter is found to have an average error of more than 2%, the MSP shall determine the metering data correction using the actual percentage of error as determined by the test, not the difference between the allowable error and the error found as a result of a test.

- d) If the meter is found to run faster than allowable, the MSP shall

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determine the correction to the metering data for that meter. In determining the correction it shall be presumed, unless demonstrated otherwise, that the inaccuracy has existed for a period of two years. This period of presumed inaccuracy shall not exceed the time for which records of the current customer's usage exist.

- e) If the meter is found to be slower than allowable, the MSP shall determine the correction to the metering data for that meter. In determining the correction, it shall be presumed, unless demonstrated otherwise, that the inaccuracy has existed for a period of 1 year prior to the test for small commercial and residential customers and 2 years prior to the test for all other customers.

- f) In the case of a non-registering meter that has been read during the period of non-registration, the MSP shall not determine a correction to metering data for estimated consumption extending over more than twice the regular interval between readings.

- g) No corrections to meter usage data for meter error shall extend beyond the in-service date of the meter discovered to be in error, nor shall any correction be required to extend beyond the date upon which the current customer first occupied the premises at which the error is discovered.

- h) Whenever an MSP or the Commission or its personnel finds that a service watt-hour meter, while in service exhibits creep, the MSP shall make an estimate of the registration caused by the creep during the period as specified under subsection (c) and shall make a corresponding correction in the metering data.

- i) Any correction made to meter usage data made by the MSP and all records relating to the adjustment of the retail customer's billing or charges shall be retained for two years.

- j) Provisions of this Subpart do not apply to situations in which the customer's wires, meters or other service equipment have been tampered with and the customer enjoyed the benefit of the tampering.

**Section 460.450 Meter Tampering, Theft of Service, and Illegal Taps**

- a) MSP workers shall visually inspect meter sites for conditions associated with meter tampering, theft of service or an illegal tap. When a condition associated with theft of service is observed, the MSP shall immediately notify the DSP, the energy supplier and any other entities providing service to the customer of any evidence of meter tampering, energy theft or meter security compromise on a customer's premises, and in no event later than one business day after discovery of the evidence. The following information shall be conveyed to the DSP when theft of service is discovered by the MSP:

- 1) description of evidence;
- 2) action taken by MSP;
- 3) contact information at customer's facility; and
- 4) meter and account information.

- b) The MSP shall cooperate with entities providing electric service to

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the customer to determine and implement the appropriate corrective action. If a theft-of-service condition is not remedied within 10 business days, the DSP shall have the right to immediately remove and replace the meter or affected metering equipment, with standard DSP metering equipment. The meter shall be held as evidence in a theft-of-service investigation.

- c) If an MSP alleges that tampering or theft of service has occurred, the MSP shall have the burden of proving, by a preponderance of the evidence, that the customer's meter has been tampered with, that the customer has benefited from the tampering and that the rebilling is reasonable.

**Section 460.460 Meter Reading and Meter Data Management**

- a) Meter service providers shall read all meters serving retail customers in compliance with the DSP's tariff requirements.

- b) When a customer or entity requests verification of a meter read and the MSP cannot satisfy the customer or entity with an automatic meter read, the MSP shall perform an on-site meter read within 5 business days.

- c) Within 5 business days after installation of a remotely read meter, the MSP shall check that the meter and the meter reading system are working properly. If there is no load available to test the meter at the time of installation, the MSP shall check that the meter and the meter reading system are working properly within 5 business days after load becomes available.

- d) The MSP shall provide meter usage data to market participants serving the customer using the applicable standard electronic transaction protocol or manual process.

- e) The MSP shall keep the most recent 36 months of meter usage data for each customer. The MSP shall retain both raw and translated meter usage data. Meter usage data for the most recent 12 months shall be available upon request to authorized persons within 3 business days. Meter usage data that is more than 12 months old but less than 37 months old shall be available upon request to authorized persons within 10 business days.

**Section 460.470 Retention of Related Records**

- a) This Section applies to all books of account and other records prepared by or on behalf of the MSP.

- b) This Section shall not be construed as excusing compliance with any other lawful requirements for the preservation of records for periods longer than those prescribed in this Section.

- c) Each MSP subject to this Part shall designate one or more persons with official responsibility to supervise the MSP's program for the preservation and the authorized destruction of its records.

- d) All records that are required by this Section to be preserved shall be



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so arranged, filed and currently indexed by the MSP that they may be identified and made available upon request to representatives of the Commission.

- e) The destruction of the records permitted to be destroyed under the provisions of this Section may be performed in any manner elected by the MSP concerned. The MSP shall destroy the legibility of records that contain confidential customer information before or during disposal to prevent unauthorized persons from obtaining such information.
- f) When any records are destroyed before the expiration of the prescribed retention period, the MSP shall file a verified statement within 90 days after the date of discovery of such destruction with the Chief Clerk of the Commission describing the records destroyed and the circumstances of the accidental or other premature destruction. Discovery of loss of records shall be treated in the same manner as in the case of premature destruction.
- g) Each MSP shall retain all meter usage data collected from each meter for at least three years.
- h) Each MSP shall keep all service requests from customers for at least one year.
- i) Each MSP shall keep all connection and disconnection orders from DSPs for at least one year.
- j) Each MSP shall keep a copy of any contract with each customer for at least one year after service is discontinued with that customer.
- k) Each MSP shall keep a record of each customer's bill as issued for at least one year.
- l) Each MSP shall keep a record of all adjustments to meter usage data and customer bills for at least three years, with an explanation for the adjustment.
- m) Each MSP shall keep a record of all high-bill complaints, whether or not such complaint results in an adjustment to the customer's account, for at least one year.
- n) Each MSP shall keep a record of all training for each employee used to satisfy the technical requirements of this Part until at least one year after that employee is no longer employed by the MSP.

## SUBPART E: METER WORKER QUALIFICATIONS

## Section 460.500 General Qualifications for Meter Workers

- a) Three levels or "classes" of meter worker qualifications are established in this Subpart for meter service provider meter workers.
- b) Meter workers performing services on behalf of an MSP shall be trained and shall exercise due care in performing these functions.
- c) An MSP employee who performs open access metering work shall have company-issued photo identification indicating the worker's employer and the class of meter work the worker is qualified to perform. This identification shall be carried by the employee whenever performing

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- d) meter work.
- e) An MSP employee shall be able to identify theft-of-service conditions and take appropriate action.

## Section 460.510 Illinois Class 1 Qualification

- a) Workers with an MSP Class 1 Qualification are permitted to perform work on single-phase, socket-based meters, operating at a maximum of 120/240 volts or 120/208 volts. This level of qualification does not include transformer-rated meters. Also, connections of meter communications devices shall be outside of energized meter panels.
- b) MSP Class 1 meter workers may install, remove and replace single-phase, 120/240 volt or 120/208 volt self-contained meters in standard socket-based metering installations. Connections for communication conductors shall be outside the energized meter panels. MSP Class 1 meter workers may be required to install jumpers on single-phase services where bypass provisions are provided or operate a manual bypass switch to maintain service continuity where applicable.
- c) Safety Skills
  - 1) Knowledge of basic electrical theory and associated hazards and ability to perform work while avoiding hazards.
  - 2) Knowledge of and ability to perform work in compliance with procedures and safety rules applicable to class of work performed, including:
    - A) Basic safety (e.g., driving hazards and animal bite prevention);
    - B) Electrical safety;
    - C) OSHA requirements;
    - D) State requirements;
    - E) Personal protective equipment;
    - F) Distribution safety procedures.
- d) Essential Skills
  - 1) Knowledge of basic AC/DC electrical theory;
  - 2) Knowledge of single-phase electrical metering;
  - 3) Knowledge of electric distribution in general;
  - 4) Knowledge of the meter panel and socket layout for the metering conditions of this class of meter work;
  - 5) Ability to identify energy diversion or tampering related to this class of meter work;
  - 6) Ability to install and remove damaged and undamaged meters;
  - 7) Ability to read meters used in this class;
  - 8) Ability to use tools appropriate to this class of work;
  - 9) Ability to connect meter communications external to the meter panel;
  - 10) Customer contact skills;
  - 12) Ability to distinguish between single-phase and poly-phase services;

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- 13) Knowledge of DSP construction standards and local inspection authority requirements;
  - 14) Ability to safely jumper single-phase meter sockets to maintain service continuity.
- e) Determining Essential Technical and Safety Skills
- 1) MSPs shall develop and implement a program to train workers to perform Class 1 meter work safely and properly;
  - 2) A minimum of 500 hours on the job training with a Class 1 meter worker (with at least 1 year of experience as a Class 1) or with a meter worker with a higher classification and successful completion of the MSP classroom training program.
- f) Meter Worker Certification and Re-certification Requirements
- 1) Employees are certified by the licensed meter service provider, based on successful completion of the training program referenced in subsection (e), demonstrated ability to perform Class 1 safety skills and essential technical skills, and prior experience;
  - 2) A Class 1 meter worker who has not performed metering work equivalent to that described in subsection (b) for six months or more shall be re-certified prior to performing Class 2 meter work.

## Section 460.520 Illinois Class 2 Qualification

- a) Metering types and voltages. Workers with an MSP Class 2 Qualification are permitted to perform work on all Class 1 meter types, as well as:
- 1) All self-contained and instrument rated meters less than 600 volts;
  - 2) Accuracy testing of all self-contained meters (field);
  - 3) A-Base meters less than 600 volts;
  - 4) K-Base meters;
  - 5) Communication hook up; and
  - 6) Meters with communication wiring routed inside the panel (work can be in and around energized circuits).
- b) Work to be Performed
- 1) A Class 2 meter worker may work in and around energized circuits, as permitted by the procedures and safety rules of the certificated MSP;
  - 2) In addition to performing the work of a Class 1 meter worker, a Class 2 meter worker may install, remove and replace poly-phase, under 600 volts, self-contained meters in safety socket and standard socket-based metering equipment. A Class 2 worker may operate test-bypass facilities in self-contained safety sockets and install communication wiring inside the panel. A Class 2 worker may be required to install jumpers on services where bypass provisions are provided or operate a manual bypass switch to maintain service continuity where applicable. On panels without bypass provisions or test-bypass facilities, a Class 2 worker may not remove or install poly-phase meters without first

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- disconnecting the customer load;
- 3) A Class 2 meter worker may install, remove and replace all meters consistent with this subsection (b), including transformer-rated meters less than 600 volts; and
  - 4) A Class 2 meter worker may operate test switches, but may not install, alter, maintain or replace wiring between the meter, test switch, test block and associated equipment.
- c) Safety Skills
- 1) All of the safety skills required for Class 1 meter workers;
  - 2) Electrical safety knowledge and work skills appropriate for three-phase metering up to 600 volt phase-to-phase, including the ability to identify and refer to a Class 3 meter installer services above 600 volt phase-to-phase prior to performing work in the service equipment, or if voltage rating is not labeled, at the time of initial voltage check;
  - 3) Ability to operate test-bypass facilities or test blocks in a self-contained safety socket; and
  - 4) Ability to install jumpers on services where bypass provisions are provided or operate a manual bypass switch to maintain service continuity where applicable.
- d) Essential Technical Skills
- 1) All of the essential technical skills required for Class 1 meter workers;
  - 2) Knowledge needed for up to 600 volt poly-phase service and the forms and voltages applicable to Class 2 meter work;
  - 3) Ability to route communication wiring to accommodate meter communications;
  - 4) Ability to understand, interpret, identify and take appropriate actions based upon built-in diagnostics of solid state meters;
  - 5) Ability to perform phase rotation assessments;
  - 6) Ability to work with transformer-rated meters and operate test switches and test blocks;
  - 7) Ability to install jumpers on services where bypass provisions are provided or operate a manual bypass switch to maintain service continuity where applicable; and
  - 8) Ability to test self-contained meters in locations other than in the meter socket using semi-automatic meter test equipment (field test).
- e) Determining Essential Technical and Safety Skills
- 1) MSPs develop and implement a program to train workers to perform Class 2 meter work safely and properly;
  - 2) Minimum of one year experience as a Class 1 meter worker, 4000 hours on the job training with a Class 2 meter worker (with at least 1 year of experience as a Class 2) or a meter worker with a higher classification, and successful completion of the MSP classroom training program.
- f) Meter Worker Certification and Re-certification Requirements
- 1) Employees are certified by the certificated meter service

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provider, based on successful completion of the training program referenced in subsection (e), demonstrated ability to perform Class 2 safety skills and essential technical skills, and prior experience.

- 2) A Class 2 meter worker who has not performed metering work equivalent to that described in subsection (b) for six months or more shall be re-certified prior to performing Class 2 meter work.

**Section 460.530 Illinois Class 3 Qualification**

- a) Metering Types of Voltages. Workers with an MSP Class 3 Qualification are permitted to perform work on all meter types in Classes 1 and 2. Class 3 work also includes:

- 1) Metering up to 600 volts, with transformer-rated meters and with primary and secondary voltages less than 600 volts;
- 2) Metering systems with instrument transformer primary side voltages over 600 volts;
- 3) Metering systems with communication wiring behind the panel (work can be in and around energized circuits);
- 4) Switchboard (panel mounted) meters;
- 5) All accuracy testing (field);
- 6) All programming; and
- 7) Circuit analysis.

- b) Work to be Performed
  - 1) A Class 3 meter worker may work in and around energized circuits, as permitted by the procedures and safety rules of the certificated meter service provider;

- 2) In addition to performing Class 1 and 2 meter work, a Class 3 meter worker may install, remove and replace meters consistent with the description provided in Section 460.520(b);

- 3) A Class 3 meter worker may operate test switches and test blocks, perform in-field meter accuracy tests and calibrations, and perform all types of meter maintenance and troubleshooting; and
- 4) A Class 3 meter worker may program and verify internal programs and software in solid state meters.

- c) Safety Skills

- 1) All of the safety skills required for Class 1 and Class 2 meter workers; and
- 2) Ability to conform processes to additional electricity hazards, unique customer environments, and complexities associated with metering switchboards, testing meters and maintaining meters.

- d) Essential Technical Skills

- 1) All of the essential technical skills required for Class 1 and Class 2 meter workers;
- 2) Ability to perform work on metering switchboards;
- 3) Knowledge of the operating characteristics of metering transformers and the ability to operate test switches and test

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blocks:

- 4) Ability to perform calibration, repair, retrofit, troubleshooting, and data collection from electric meters; and
- 5) Ability to install, maintain and program advanced metering technologies, including time-of-use (TOU) meters, interval meters, real time pricing, remote meter communication, and load control devices.

- e) Determination of Essential Technical and Safety Skills

- 1) MSPs develop and implement a program to train workers to perform Class 3 meter work safely and properly; and

- 2) Minimum of one year experience as a Class 2 meter worker, 2000 hours of on the job training with a Class 3 meter worker (with at least 1 year of experience as a Class 3), and successful completion of the MSP classroom training program.

- f) Meter Worker Certification and Re-certification Requirements

- 1) Employees are certified by the certificated MSP, based on successful completion of the training program referenced above, demonstrated ability to perform Class 3 safety skills and essential technical skills, and prior experience;

- 2) A meter worker who has not performed metering work equivalent to that described in subsection (b) for six months or more shall be re-certified prior to performing that class of meter work.

- g) Continuing Education. A Class 3 meter worker shall participate annually in at least 12 hours of continuing education. The content of this training shall be determined by the certificated meter service provider and shall address standards of practice and related safety issues.

## SUPPORT F: SAFETY REQUIREMENTS

**Section 460.600 Reports of Accidents**

- a) Except as otherwise specified in this Section, each MSP will report every accident occurring on property owned by the MSP or resulting from the construction, installation, operation and maintenance of its property within the State. Each report will include, at a minimum, the date, time and place of the accident, description of accident, number of persons killed or injured and name of each person reported.

- b) Whenever any such accident occasions the loss of life or limb to a person, the MSP will notify the designated representative of the Commission as quickly as possible, but not to exceed 4 hours after the discovery of the accident.

- c) An accident that causes death or personal injury to any persons or that causes over \$1000 damage to the property of the MSP should be reported. Any traffic accident that causes death to any persons on public thoroughfares involving an MSP operated motor vehicle should be reported.

- d) In reporting damages to property, the MSP may state the amount in the

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nearest even dollars. The MSP shall provide an estimate if the actual amount is not known. The MSP need not include sums paid or payable for death or personal injury.

- e) Accidents to persons resulting in death due to injuries sustained from the accident shall be reported as "killed". All other accidents to persons shall be reported as "injured."
- f) Accidents to employees shall be reported if the injury prevents the employee from performing normal duties for more than three aggregate days. Accidents to non-employees shall be reported if the injured is not able to resume normal activities within one day.
- g) If no accidents occur within a year, the MSP shall file a verified statement with the Chief Clerk of the Commission before February 1 of the following year indicating that no accidents occurred during the previous year.

**Section 460.610 Site Inspections**

- a) An MSP employee shall visually inspect meter sites prior to performing any work on site. An MSP employee shall not perform any work unless all hazardous conditions are corrected. If a hazardous condition exists that must be corrected by the DSP, the MSP shall notify the DSP immediately. If a hazardous condition exists that must be corrected by the customer, the MSP shall notify the customer immediately.
- b) An MSP employee shall immediately notify public safety personnel if a hazardous condition exists that might reasonably be expected to endanger the public if not immediately corrected.
- c) If an MSP employee determines that a customer should be designated as a life support customer, the MSP shall notify the DSP of the circumstances and request evaluation of the customer. The MSP may temporarily mark the metering installation with a life support seal until the DSP determines if the customer qualifies as a life support customer. In no case will an MSP classify a customer as a life support customer if the DSP determines that the customer does not qualify.

## ENVIRONMENTAL PROTECTION AGENCY

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1) Heading of the Part: Brownfields Redevelopment Loan Program

2) Code Citation: 35 Ill. Adm. Code 886

Section Numbers:	Proposed Action:
35.100	New Section
35.105	New Section
35.110	New Section
35.115	New Section
35.200	New Section
35.201	New Section
35.205	New Section
35.210	New Section
35.215	New Section
35.220	New Section
35.225	New Section
35.230	New Section
35.235	New Section
35.240	New Section
35.245	New Section
35.250	New Section
35.255	New Section
35.260	New Section
35.300	New Section
35.305	New Section
35.310	New Section
35.315	New Section
35.320	New Section
35.325	New Section
35.330	New Section
35.335	New Section
35.340	New Section
35.400	New Section
35.405	New Section
35.410	New Section
35.500	New Section
35.505	New Section
35.510	New Section
35.600	New Section
35.605	New Section
35.610	New Section

4) Statutory Authority: Section 58.15 of the Illinois Environmental Protection Act [415 ILCS 5/58.15]

5) A Complete Description of the Subjects and Issues Involved: The proposed rules set forth procedures and criteria to govern a loan program providing financial assistance to Illinois units of local government and private



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parties for activities related to redevelopment of brownfields sites. Brownfields sites are parcels of real property that have actual or perceived contamination and an active potential for redevelopment.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: None of the proposed requirements would necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing by June 26, 2000 to:

Robert J. Scherschligt  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield IL 62794-9276

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: All municipalities are eligible for brownfields redevelopment loans, including all small municipalities; thus, all small municipalities are potentially affected by this rulemaking.
- B) Reporting, bookkeeping or other procedures required for compliance: Loan recipients will be required to maintain documentation of eligible expenses and submit quarterly reports on expenses and activities. A final report detailing the success of the project will also be required.
- C) Types of professional skills necessary for compliance: No professional skills are required for compliance under the loan program. Most recipients will, however, enlist engineers and consultants to oversee loan projects.

## 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

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The full text of the Proposed Rules begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE G: WASTE DISPOSAL  
 CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

## PART 886

## BROWNFIELDS REDEVELOPMENT LOAN PROGRAM

## SUBPART A: GENERAL PROVISIONS

Section  
 886.100 Purpose  
 886.105 Administration  
 886.110 Definitions  
 886.115 Severability

## SUBPART B: BROWNFIELDS REDEVELOPMENT LOANS

Section  
 886.200 Scope and Availability of Loans  
 886.201 Eligible Applicants  
 886.205 Loan Issuance Criteria  
 886.210 Pre-Applications for Brownfields Redevelopment Loans  
 886.215 Applications for Brownfields Redevelopment Loans  
 886.220 Agency Action on Application  
 886.225 Loan Award Acceptance  
 886.230 Loan Agreement  
 886.235 Amendments to Loan Agreement  
 886.240 Cost Criteria  
 886.245 Loan Disbursements  
 886.250 Loan Recipient Responsibilities  
 886.255 Requirements Applicable to Contracting and Subcontracting  
 886.260 Agency Cost Recovery

## SUBPART C: NONCOMPLIANCE WITH LOAN CONDITIONS AND PROCEDURES

Section  
 886.300 Agency Action for Noncompliance with Loan Agreements and Procedures  
 886.305 Loan Termination by the Agency  
 886.310 Project Termination by the Loan Recipient  
 886.315 Stop-Work Orders  
 886.320 Covenant Against Contingent Fees  
 886.325 Recovery of Loan Funds  
 886.330 Indemnification  
 886.335 Statutory Requirements  
 886.340 Waiver of Procedures

## SUBPART D: ACCESS, AUDIT AND RECORDS

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Section  
 886.400 Access,  
 886.405 Audit and Records  
 886.410 Single Audit Act

SUBPART E: INTEREST RATES, LOAN LIMITATIONS, CREDIT WORTHINESS AND  
 FINANCIAL CAPABILITY

Section  
 886.500 Fixed Loan Rate  
 886.505 Limitations on Loan Amounts  
 886.510 Credit Worthiness and Financial Capability

## SUBPART F: DEDICATED SOURCE OF REVENUE, REPAYMENT AND DELINQUENCY

Section  
 886.600 Dedicated Source of Revenue, Security and Collateral  
 886.605 Loan Repayment to the Agency  
 886.610 Delinquent Loan Repayments

AUTHORITY: Implementing and authorized by Section 58.15 of the Environmental Protection Act [415 ILCS 5/58.15].

SOURCE: Adopted at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL PROVISIONS

## Section 886.100 Purpose

The purpose of this Part is to provide financial assistance in the form of loans for the funding of site investigation, site remediation, or both, at brownfields sites.

## Section 886.105 Administration

The Brownfields Redevelopment Loan Program shall be administered by the Illinois Environmental Protection Agency as an instrumentality of the State of Illinois in accordance with State and federal laws.

## Section 886.110 Definitions

Unless specified otherwise, all terms shall have the meanings set forth in the Illinois Environmental Protection Act. Additionally, for purposes of this Part, the following definitions apply:

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

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"Agency" means the Illinois Environmental Protection Agency.

"Applicant" means a unit of local government or private party that applies for a brownfields redevelopment loan.

"Brownfields redevelopment loan" means a loan issued pursuant to Section 58.15 of the Act and Subpart B of this Part.

"Brownfields site" or "brownfields" means a parcel of real property, or a portion of the parcel, that has actual or perceived contamination and an active potential for redevelopment. (Section 58.2 of the Act)

"Dedicated source of revenue" means the type of security and the basis of legal authorization that are dedicated by legislative enactment or other appropriate authority along with the applicable revenue source pledged for repayment and deposited into an account restricted to the purpose of loan repayment to the Brownfields Redevelopment Fund, which is sufficient to repay the principal and interest on the loan.

"Fixed loan rate" means one-half the market interest rate but not less than 2.50%.

"Interest rate" means not less than one-fourth of the market interest rate rounded to the nearest .01%.

"Loan agreement" means the written loan agreement documents and amendments thereto signed by both the Agency and a loan recipient in which the terms and conditions governing the loan are stated and agreed to by both parties.

"Loan recipient" means a unit of local government or private party that has been awarded a loan for brownfields redevelopment under Section 58.15 of the Act.

"Loan support rate" means not more than one-fourth of the market interest rate rounded to the nearest .01%.

"Market interest rate" means the mean interest rate of the 20 General Obligation Bond Buyer Index, from July 1 to June 30 of the preceding State fiscal year rounded to the nearest .01%.

"Unit of local government" means an incorporated city, village, or town in this State. Unit of local government does not mean a township, town when that term is used as the equivalent of a township, incorporated town that has superseded a civil township, county, or school district, park district, sanitary district, or similar governmental district. (Section 58.2 of the Act)

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"Principal" means all disbursements, including interest and loan support accrued on the disbursements, that will be financed at the time the repayment schedule period begins.

"Project" means the activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

"State" means the State of Illinois.

**Section 886.115 Severability**

If any Section, subsection, sentence or clause of this Part shall be adjudged unconstitutional, void, invalid, or otherwise unlawful, such adjudication shall not affect the validity of this Part as a whole, or any Section, subsection, sentence, or clause thereof not adjudged unconstitutional, void, invalid, or otherwise unlawful.

**SUBPART B: BROWNFIELDS REDEVELOPMENT LOANS****Section 886.200 Scope and Availability of Loans**

- a) *The Agency shall establish and administer a revolving loan program to be known as the "Brownfields Redevelopment Loan Program" for the purpose of providing loans to be used for site investigation, site remediation, or both, at brownfields sites. (Section 58.15(a) of the Act)*
- b) *Loans shall be at or below market interest rates in accordance with a formula set forth in this Part. (Derived from Section 58.15(b)(1) of the Act)*
- c) *Loans shall be awarded subject to availability of funding based on the order of receipt of applications satisfying all requirements as set forth in this Part. (Derived from Section 58.15(b)(2) of the Act)*
- d) *In addition to any other requirements or conditions placed on loans by this Part, loan agreements shall include the following requirements:*
  - 1) *The loan recipient shall secure the loan repayment obligation. (Section 58.15(b)(4)(A) of the Act)*
  - 2) *Completion of the loan repayment shall not exceed 5 years. (Section 58.15(b)(4)(B) of the Act)*
  - 3) *Loan agreements shall provide for a confession of judgment by the loan recipient upon default. (Section 58.15(b)(4)(C) of the Act)*
  - 4) *Loans shall not be used to cover expenses incurred prior to the approval of the loan application. (Section 58.15(b)(5) of the Act)*
- e) *Repayment of loans shall commence within 12 months after the initial disbursement of funds by the Agency.*
- f) *Loan recipients may use up to 10% of borrowed funds for administrative costs as defined in the loan agreement.*

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**Section 886.201 Eligible Applicants**

Units of local government and private parties shall be eligible to apply for loan assistance to perform investigative or remedial activities at a site where there is a release, threatened release, or suspected release of hazardous substances, pesticides, or petroleum, provided the project site is eligible for entry into the Site Remediation Program pursuant to 35 Ill. Adm. Code 740.

**Section 886.205 Loan Issuance Criteria**

- a) Criteria for awarding loans shall include, but shall not be limited to, the following:
- 1) Credit worthiness and ability to repay the loan;
  - 2) Potential for economic redevelopment;
  - 3) Long-term benefits and sustainability;
  - 4) Strength of community and local support;
  - 5) Interest of potential future users of the brownfields site;
  - 6) Protection of human health and the environment; and
  - 7) A written commitment by the loan recipient or other entity to enter the brownfields site into the Site Remediation Program.
- b) In awarding loans, the Agency may give weight to geographic location to enhance geographic distributions of loans across the State.

**Section 886.210 Pre-Applications for Brownfields Redevelopment Loans**

Every loan applicant shall submit to the Agency a pre-application that, at a minimum, includes the following items:

- a) the reason for the proposed project;
- b) a description of the proposed project;
- c) an estimated cost of the proposed project;
- d) a proposed schedule for completion of the proposed project;
- e) a summary of prior environmental assessments;
- f) an explanation of the applicant's relationship to the brownfields site; and
- g) a strategy for loan repayment.

**Section 886.215 Applications for Brownfields Redevelopment Loans**

- a) To be considered for a brownfields redevelopment loan, an applicant shall file with the Agency a complete application, in accordance with the requirements of this Section.
- b) Applicants for brownfields redevelopment loans shall use loan application forms furnished by the Agency, or a similar format. Loan applications, including budget forms, may be obtained from and must be submitted to: Illinois Environmental Protection Agency, Bureau of Land, Office of Brownfields Assistance, 1021 North Grand Avenue East, Springfield, Illinois 62794-9276.
- c) A complete brownfields redevelopment loan application shall include

the following:

- 1) Background information, including:
  - A) An identification of the site location and size, including the legal description and the Property Tax ID;
  - B) An explanation of the relationship of the loan applicant to the site;
  - C) A description of the investigative and remedial work performed at the site, if any and a summary of all prior environmental assessments and conclusions, including attachments of copies of all environmental reports generated for any part of the site (i.e., Site Investigation Report, Remediation Objectives Report, Remedial Action Plan, Remedial Action Completion Report, or their equivalents);
  - D) A description of the negative effects on the local community of the site and the positive effects on the local community of funding and implementing the proposed project;
  - E) A description of the local government's involvement and planned additional involvement in the proposed project;
  - F) A description of the anticipated long-term benefits of the project and the means by which the local government will sustain the benefits;
  - G) A description of the future participation of the site in the Site Remediation Program and an identification of who the remedial applicant will be, including a letter committing the site's entry into the Site Remediation Program; and
  - H) An indication as to how the success of the project will be measured.
- 2) The project plan, including:
  - A) A description of all components and phases of the proposed project, including an indication of each activity's relationship to Site Remediation Program (35 Ill. Adm. Code 740) regulations and program requirements;
  - B) A description of the planned or proposed tasks to be performed by parties involved;
  - C) A schedule of the work plan by tasks, including specific activities and events;
  - D) Letters of agreement or other documentation showing the applicant is authorized, by law or consent, to act on behalf of or in lieu of the owner or operator of the site;
  - E) Letters of agreement or other documentation from the contractor or subcontractors involved in or responsible for components or phases of the proposed project; and
  - F) Maps showing the location of the proposed project and the areas affected by the proposed project.
- 3) Information on project team members, including:
  - A) The name of the applicant project manager and a description of his or her previous management experience and other pertinent experience and capabilities;



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- B) The names of other applicant project team members and a description of their job titles, work assignments and experience; and
- C) The name, telephone number, fax number and e-mail address, if any, of the applicant project team member designated to serve as liaison with the Agency.
- 4) Information on any environmental consultant to be employed by the applicant, including:
- The name, telephone number, fax number and e-mail address, if any, of the environmental consulting firm;
  - A description of any previous project management experience and other pertinent experience and capabilities of the environmental consultant;
  - The names of key environmental consultant personnel and a description of their job titles, work assignments and experience;
  - A detailed explanation of the tasks the consultant is to perform in the proposed project; and
  - Evidence of relevant experience of all environmental consultant personnel involved in the project.
- 5) A completed budget package on forms provided by the Agency.
- 6) A demonstration of the loan applicant's credit worthiness, including:
- The loan applicant's credit history;
  - Information as to whether the loan applicant has ever defaulted on any of its prior debt issues;
  - The loan applicant's source of revenue for repaying the loan;
  - Information as to whether there are restrictions on what additional debts can be issued by the loan applicant;
  - The loan applicant's plan for financing any project costs that are not eligible for loan financing;
  - An explanation as to whether the amount and timing of the loan applicant's revenues match up with the loan repayment scheduler; and
  - An indication as to whether the loan applicant will receive project funds from multiple sources, including whether funding from those sources will be available at the same time.
- 7) A written demonstration of the loan applicant's willingness to monitor the project's activities, progress, spending and budget.

**Section 886.220 Agency Action on Application**

- Issuance of brownfields redevelopment loans is subject to availability of funding.
- The Agency shall take action on all pending complete brownfields redevelopment loan applications, at a minimum, at the close of each of

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- two loan application periods per year, the first ending January 1 and the second ending July 1, except as provided in subsection (c) of this Section.
- c) The Agency may award and fund any loan prior to the end of a loan application period provided that the loan applicant demonstrates that:
- Remediation of the project site is necessary to assure protection of human health and environment; and
  - Failure to issue the loan prior to the end of the loan application period would substantially impair implementation of the project.
- d) If an applicant submits an incomplete application, the Agency shall so notify the applicant in writing, identifying the information that is lacking, and shall impose a deadline by which the deficiencies shall be corrected or additional information is to be provided to the Agency by the applicant. Failure on the part of the loan applicant to correct the deficiencies or provide the additional information by the deadline imposed by the Agency shall be sufficient basis for the Agency to treat the application as withdrawn by the applicant.
- e) The Agency shall, no more than 90 days after the close of each loan application period, or in accordance with subsection (c) of this Section, in writing, notify each applicant with a pending application:
- If funding is available for brownfields redevelopment loans, of that applicant's selection or rejection for a loan; or
  - If funding is not available, of the unavailability of loan assistance.
- f) Loan applicants shall not obtain loan assistance by default due to failure by the Agency to act within the time frame set forth in subsection (e) of this Section.

**Section 886.225 Loan Award Acceptance**

No more than 30 days after receipt of loan award selection notification by the Agency, the loan recipient shall notify the Agency in writing of its acceptance. If the loan recipient fails to so notify the Agency, the loan award shall be null and void.

**Section 886.230 Loan Agreement**

- Upon receipt of written acceptance of a loan award, the Agency shall send to the loan recipient formal loan agreement documents, including:
  - A loan agreement to be signed by the Agency and the loan recipient;
  - A copy of the loan recipient's complete application, including budget forms; and
  - A form on which the loan recipient is to state the loan recipient's federal taxpayer identification number or social security number.
- The Agency shall not sign a loan agreement until the loan recipient

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has corrected any errors identified by the Agency in the loan application and has signed the loan agreement.

- c) The loan takes effect on the date that the Agency signs the loan agreement and interest begins to accrue on the date of the first loan disbursement.
- d) Once signed by both the Agency and the loan recipient, the loan agreement, comprising the written loan agreement documents, and any amendments thereto, shall govern the loan.
- e) The Agency shall keep the original loan agreement documents and provide a copy to the loan recipient.
- f) The loan agreement may be amended in accordance with Section 886.235 (Amendments to Loan Agreement) of this Part.

**Section 886.235 Amendments to Loan Agreement**

a) To implement a project change, the loan recipient first must obtain a formal amendment to the loan agreement. The loan recipient may request an amendment to the loan agreement by submitting an amended loan application to the Agency at any point during the loan term.

b) The loan agreement may be amended only by the mutual consent of the parties set forth in writing as a formal loan agreement amendment, signed and dated by the Agency and the loan recipient.

c) The loan recipient may request amendments for project changes, including, but not limited to:

- 1) Increasing the amount of State funds needed to complete the project;
  - 2) Altering the scope of the loan, as agreed to at the time of the loan award (e.g., by changing methodologies or personnel to be used); or
  - 3) Extending any contractual or completion date for the project.
- d) No more than 90 days after receipt of an amended loan application, the Agency shall notify the loan recipient in writing of its approval or rejection of the requested amendment to the loan agreement.
- e) The Agency shall not approve any amendment to the loan agreement in violation of the limitations on loans set forth in this Part.
- f) The Agency shall approve an amendment to the loan agreement to the extent that the Agency may approve the amendment consistent with the requirements of this Part, if the loan recipient makes a showing that:
- 1) The original project cost approval was based on estimated costs or contractor bids, where the actual costs or contractor bids are over or under the estimated costs;
  - 2) Amendments to State statutes have affected or will affect the project cost;
  - 3) A project element was inadvertently omitted; or
  - 4) An approved project element has been found unnecessary.
- g) If the Agency approves a requested amendment to a loan agreement, the Agency shall prepare and send an amended loan agreement and a formal amendment signature page to the loan recipient. The loan recipient

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shall sign and date the formal amendment signature page and then return it to the Agency. The Agency shall sign and date the formal amendment signature page and then send a copy of the formal amendment signature page and a copy of the amended loan agreement, along with a letter notifying the loan recipient of the Agency's approval of the requested amendment, to the loan recipient.

**Section 886.240 Cost Criteria**

a) The Agency shall approve for payment to the loan recipient, under the terms set forth in Section 886.245 of this Part, only costs that have been incurred by the loan recipient and that meet the following criteria:

1) Costs within the scope of the project for which the loan was awarded;

2) Costs that are reasonable and necessary include, but are not limited to, costs associated with:

A) Agency oversight that result from the loan recipient's participation in the Site Remediation Program of Title XVII of the Act;

B) Environmental consultant oversight services;

C) Remedial investigation and design;

D) The development and implementation of activities necessary to establish remediation objectives;

E) Laboratory services necessary to determine site characterization and to establish cleanup objectives;

F) The installation and operation of groundwater investigation and groundwater monitoring wells;

G) The development and implementation of a soil sampling plan;

H) The development of a groundwater corrective action system;

I) The development of a soil corrective action plan;

J) Seeking payment from the Brownfields Redevelopment Loan Program in accordance with Section 886.200(f) of this Part;

K) The purchase of non-expendable materials, supplies, equipment or tools used for the brownfields project;

L) Removing, mitigating or preventing the release, threatened release or suspected release of hazardous substances, pesticides or petroleum;

M) The demolition and removal of buildings and other structures located upon the site if such activity is necessary to the performance of the remediation; and

N) Monitoring activities, including sampling and analysis, that are reasonable and necessary during the site remediation process;

3) Costs equal to, but not exceeding, the total amount of the loan award; incurred on or after the date the loan agreement is

4) Costs incurred on or after the date the loan agreement is executed;

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- 5) Costs incurred without a knowing violation of any State or federal law; and
- 6) Costs incurred pursuant to a contract or subcontract in conformance with Section 886.255 (Requirements Applicable to Contracting and Subcontracting) of this Part.
- b) Costs the Agency shall not approve for payment because they are not necessary for the completion of the work required pursuant to the Agency-approved application and loan agreement include, but are not limited to:
  - 1) Costs or losses resulting from business interruption in connection with the project;
  - 2) Costs associated with improperly collected, transported or analyzed laboratory samples;
  - 3) Costs associated with improperly installed sampling or monitoring wells;
  - 4) Interest or finance costs charged as direct costs;
  - 5) Insurance costs charged as direct costs;
  - 6) Costs associated with land acquisition;
  - 7) Cost of fines and penalties for violations of local, State and federal law;
  - 8) Costs outside the scope of the Agency-approved project;
  - 9) Costs associated with the ordinary operating expenses of local government;
  - 10) Costs associated with ordinary site maintenance;
  - 11) Costs associated with personal injury compensation or damages arising out of the project;
  - 12) Costs incurred prior to the execution of the loan agreement; and
  - 13) Costs associated with the replacement of buildings and other structures located upon the site.

## Section 886.245 Loan Disbursements

- a) The Agency shall disburse loan proceeds to loan recipients for eligible costs incurred by the loan recipient, provided those costs are within the scope of the budget submitted pursuant to Section 886.215 of this Part.
- b) To receive a loan disbursement from the Brownfields Redevelopment Loan Program, the loan recipient shall submit a written request for a disbursement to the Agency, with documentation of the activities performed and a breakdown of the costs sufficient to demonstrate that the costs for which a disbursement is sought are reasonable and have been incurred by the loan recipient. Documentation provided shall include, but not be limited to, the following:
  - 1) An identification of the time period for which the activities/services were performed and the costs were incurred;
  - 2) A brief description of the work performed;
  - 3) A breakdown of the activities/services performed cross-referencing tasks proposed in the work plan schedule;

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- 4) The names and titles of individuals performing activities/services and the dates and hours worked;
- 5) Copies of invoices; and
- 6) A list of expenses and/or costs incurred in connection with the activities/services performed.
- c) The loan recipient may submit an initial request for a loan disbursement at any time after the costs for which payment is sought have been incurred. Subsequent requests for loan disbursements must be spaced at least 90 days apart.
- d) The Agency shall use the criteria set forth in Section 886.240 (Cost Criteria) of this Part in determining whether to approve a loan disbursement to the loan recipient for costs included in each request for a loan disbursement.
- e) The Agency shall send a voucher for payment of an approved request for a loan disbursement to the Comptroller's office no more than 90 days after receipt of the request.
- f) Following a review of the applicant's request for a loan disbursement, the Agency shall have the authority to deny a request for a loan disbursement that does not meet all of the requirements of this Part. The Agency shall notify a loan applicant in writing of its denial of a request for a loan disbursement within 45 days after its receipt of a request, and the written notification shall include a statement of specific reasons why the request is being denied in whole or in part.

## Section 886.250 Loan Recipient Responsibilities

- a) The loan recipient shall submit quarterly progress reports to the Agency during the term of the loan. Each progress report should be a short narrative of the activities performed and the dates that they were performed during that quarter and shall include, but not be limited to, the following information:
  - 1) The report period;
  - 2) A summary of the activities/services performed and identified by project task;
  - 3) The dates that the activities/services were performed;
  - 4) The names of firms and individuals performing the activities/services;
  - 5) A disclosure of any personnel changes;
  - 6) A disclosure of significant issues that arose during the quarter that may necessitate a modification or amendment to the original work plan submitted;
  - 7) A disclosure of major threshold accomplishments; and
  - 8) Projected completion dates for the remaining activities/services to be performed.
- b) The loan recipient shall submit a detailed final report to the Agency at the end of the loan term. In the final report, the loan recipient shall describe how the tasks described in the project plan submitted by the loan recipient have been fulfilled.

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- c) If the loan recipient fails to timely submit quarterly progress reports or a final report, the Agency may impose any of the sanctions set forth in Subpart C (Noncompliance with Loan Conditions and Procedures) of this Part.

**Section 886.255 Requirements Applicable to Contracting and Subcontracting**

- a) The following conditions and limitations shall apply to all contracts and subcontracts entered into by the loan recipient:
- 1) The loan recipient must use a freely and openly competitive bidding process in contracting and must require the same of any contractor in subcontracting;
  - 2) Only fair and reasonable profits may be earned by contractors and subcontractors in contracts and subcontracts under Agency loans. Factors to be considered in determining a fair and reasonable profit shall include project-related: material acquisition costs; labor costs; management costs; contract risks; capital investments; degree of independent development; and cost control and record keeping efforts. The determination of a fair and reasonable profit shall not be based upon the application of a predetermined percentage factor;
  - 3) The loan recipient, rather than the Agency, is responsible for the administration and successful accomplishment of the project for which the Agency loan is awarded. The loan recipient, rather than the Agency, is responsible for the settlement and satisfaction of all contractual and administrative issues arising out of contracts and subcontracts entered into under the loan. This responsibility includes, but is not limited to, issuance of invitations for bids or requests for proposals, selection of contractors, award of contracts, protest of awards, claims, disputes and other procurement matters;
  - 4) Any contract or subcontract must include a provision allowing project-related access, in accordance with Section 886.400 (Access) of this Part;
  - 5) Any contract or subcontract must provide that the Agency or any authorized representative shall have access to any books, documents, papers, and records, including computer-generated documents, of the contractor or subcontractor that are pertinent to the project, for the purpose of making an audit, examination, excerpts, and transcriptions thereof;
  - 6) Neither the Agency nor the State shall be a party to any contract or subcontract, solicitation, or request for proposals;
  - 7) Any contract or subcontract shall be in compliance with all local, State and federal law.
- b) No contract or subcontract shall be awarded to any person or organization that does not:
- 1) Have adequate financial resources, experience, organization, technical qualification, and facilities for performance of the

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- subagreement, or a firm written commitment or arrangement to obtain such;
- 2) Have staffing sufficient to comply with the completion schedule for the project;
  - 3) Have a demonstrated record of integrity, good judgment, and performance, including any prior performance under grants, loans or contracts, with the Federal or any state government;
  - 4) Have an established financial management system and audit procedure;
  - 5) Maintain a written property management system that provides procedures for the acquisition, maintenance, safeguarding and disposition of all project-related property; and
  - 6) Conform to the civil rights law, equal employment opportunity law, and labor law requirements, as well as all other statutes of the State.

**Section 886.260 Agency Cost Recovery**

- a) If the Agency undertakes a response action at the site of an approved project, the Agency will not seek recovery of its costs under Section 22.2 or Title XVII of the Act from a loan recipient as an owner or operator if the loan recipient's status as an owner or operator is based solely on the loan recipient's:
- 1) Execution of a loan agreement; or
  - 2) Implementation of an approved project.
- b) The exclusion provided under subsection (a) of this Section shall not apply to any loan recipient who has caused or contributed to the release or threatened release of a hazardous substance or pesticide from the facility, and such loan recipient shall be subject to the provisions of the Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under Sections 22.2(f) and 58.9 of the Act. (Derived from Section 22.2(h)(2)(H) of the Act)

**SUBPART C: NONCOMPLIANCE WITH LOAN CONDITIONS AND PROCEDURES****Section 886.300 Agency Action for Noncompliance with Loan Agreements and Procedures**

- a) If the loan recipient fails to make timely payments or otherwise fails to meet its obligations as provided in this part, the Agency is authorized to pursue the collection of the amounts past due, the outstanding loan balance, and the costs thereby incurred, either pursuant to the Illinois State Collection Act of 1986 or by taking any other means provided by law, including the taking of title, by foreclosure or otherwise, to any project or other property pledged, mortgaged, encumbered, or otherwise available as security or collateral. (Derived from Section 58.15(b)(6) of the Act)



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- b) In addition to such other remedies as may be provided by law, if the loan recipient fails to comply with any term or condition of the loan agreement or this part, the Agency may:

- 1) Revoke the loan and recover all loan funds disbursed;
  - 2) Terminate the loan in accordance with Section 886.305 of this Part;
  - 3) Issue a stop-work order or suspend all project work in accordance with Section 886.315 of this Part; or
  - 4) Take such other action as the Agency is authorized by law.
- c) No action shall be taken under this Section without prior oral or written consultation with the loan recipient.
- d) In determining whether to take action and which action to take under this Section, the Agency shall consider factors, including, but not limited to:
- 1) The severity of the violations;
  - 2) The number of violations by the loan recipient;
  - 3) Whether the violation is a continuing one;
  - 4) Whether the loan recipient can remedy the violation; and
  - 5) Whether the loan recipient and any contractor or subcontractor remain capable of complying with the approved work project.

**Section 886.305 Loan Termination by the Agency**

- a) The Agency, by written notice, may terminate the loan, in whole or in part, for cause. Cause for termination shall include, but shall not be limited to, failure by the loan recipient to comply with the terms and conditions of the loan agreement or this Part.

- b) No action shall be taken under this Section without a prior reasonable and good faith attempt to consult, either orally or in writing, with the loan recipient.

**Section 886.310 Project Termination by the Loan Recipient**

- a) The loan recipient may request the termination of an incomplete project for which a loan has been awarded only for good cause.

- b) Within 90 days after receipt of the loan recipient's request to terminate a project, the Agency shall make a finding as to good cause. Good cause shall include, but shall not be limited to:

- 1) A change in the Brownfields Redevelopment Loan Program requirements or priorities;
- 2) Lack of adequate funding; or
- 3) Advancements in technology.

- c) If the Agency finds that the loan recipient's request to terminate the project is for good cause, it shall terminate the loan, effective upon the date the request to terminate the project was received by the Agency. The loan recipient shall repay the loan funds previously disbursed in accordance with the loan agreement.

- d) If the Agency finds that the loan recipient's request to terminate the

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project is without good cause, the loan shall be revoked and the loan recipient shall take the following action:

- 1) Within 30 days after the date the loan is revoked, the loan recipient shall return all loan funds previously disbursed by the Agency by sending a certified check to the Brownfields Redevelopment Fund; and
- 2) The loan recipient shall secure the site so that it poses no immediate threat to human health and safety.

**Section 886.315 Stop-Work Orders**

- a) The Agency may, for any violation of this Part, issue a written stop-work order requiring the loan recipient to stop all or any part of the project work, effective for a period of not more than 30 days from the date of the order, or for any further period to which the parties may agree in writing. The Agency shall include in any stop-work order a list of the project activities to which the order applies.
- b) Upon receipt of a stop-work order, the loan recipient must comply with its terms and stop the incurrence of costs allocable to the work covered by the order during the period of work stoppage.
- c) No more than 30 days after the date of the stop-work order, or within any extension of that period to which the parties agree in writing, the Agency shall:

- 1) Upon resolution of the violation leading to the stop-work order, cancel the stop-work order; or
  - 2) Terminate the portion of the loan covered by the stop-work order, as provided in Section 886.305 (Loan Termination by the Agency) of this Part.
- d) If a stop-work order issued under this Section is canceled, or the effective period of the order or any written extension thereof expires, the loan recipient shall resume work.
- e) The loan recipient may not obtain payment for costs associated with a stop-work order unless the Agency authorizes payment in writing.

**Section 886.320 Covenant Against Contingent Fees**

- a) The loan recipient must warrant, as part of the loan agreement, that no person has been employed or retained to solicit or secure a loan under this Part based upon an agreement or understanding for a commission, percentage, brokerage or contingent fee.

- b) For breach or violation of this warranty, the Agency shall have the right to terminate the loan in accordance with Section 886.305 (Loan Termination by the Agency) of this Part, without liability, or to deduct from the loan award, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

**Section 886.325 Recovery of Loan Funds**

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If the Agency determines that any loan funds are being misspent or improperly held by the loan recipient, the Agency or the Office of the Illinois Attorney General shall have the authority to recover those funds and take any action authorized by law.

**Section 886.330 Indemnification**

The loan recipient, rather than the Agency, shall assume the entire risk, responsibility and liability for any and all loss or damage to property owned by the loan recipient, the Agency, or third persons, and any injury to or death of any persons (including employees of the loan recipient) caused by or arising out of, or occurring in connection with, the execution of any work, contract or subcontract arising out of the loan. The loan recipient shall indemnify, save harmless and defend the State and the Agency from all claims for any such loss, damage, injury or death. However, a loan recipient's execution of a loan agreement, or implementation of an approved project, does not, in itself, render the loan recipient an owner or operator for purposes of 415 ILCS 5/22-2(h)(2), or under regulations promulgated pursuant to 415 ILCS 55/8. The loan recipient shall require any contractor or subcontractor engaged by the loan recipient to agree in writing to look solely to the loan recipient for performance of its contract or subcontract with the loan recipient and for satisfaction of any and all claims arising under the contract or subcontract.

**Section 886.335 Statutory Requirements**

The loan recipient is solely responsible for assuring compliance with all statutory requirements, including, but not limited to, the Local Government Professional Services Selection Act [50 ILCS 510] and the Construction Contract Indemnification for Negligence Act [740 ILCS 35].

**Section 886.340 Waiver of Procedures**

- a) Except as provided in subsection (b) below or otherwise required by law the Director of the Agency may waive any of the loan procedures or requirements, either in whole or in part, by a written statement to the loan applicant, either as a special condition of the loan or otherwise, provided the Director of the Agency finds that the procedure or requirement to be waived is not necessary to insure the integrity of the project, will not reduce an applicant's ability to repay the loan to the Agency or will not, in general, weaken the financial position of the loan recipient. The waiver may be subject to such additional conditions the Director of the Agency deems necessary.
- b) The following procedures and requirements shall not be waived:
  - 1) Section 886.200 (Scope and Availability of Loans);
  - 2) Section 886.205 (Loan Issuance Criteria);
  - 3) Section 886.250 (Loan Recipient Responsibilities);
  - 4) Section 886.300 (Agency Action for Noncompliance with Loan Agreements and Procedures)

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- 5) Section 886.405 (Audit and Records);
- 6) Section 886.500 (Fixed Loan Rate);
- 7) Section 886.505 (Limitations on Loan Amounts);
- 8) Section 886.510 (Credit Worthiness and Financial Capability); and
- 9) Section 886.600 (Dedicated Source of Revenue, Security and Subpart D).

## SUBPART D: ACCESS, AUDIT AND RECORDS

**Section 886.400 Access**

- a) The Agency or any authorized representative shall have access to the premises where any portion of the project for which the loan was awarded is being performed, both during normal business hours and at any other time project-related work is being performed.
- b) The Agency or any authorized representative shall have access, during normal business hours, to the project records, as defined in Section 886.405 (Audit and Records) of this Part, to the full extent of the loan recipient's right to access the project records.
- c) If the Agency or any authorized representative is denied access in violation of this Section, the Agency shall provide notice in writing to the loan recipient that failure to provide access within 10 days will be cause for:
  - 1) Termination of the loan pursuant to Section 886.305 (Loan Termination by the Agency) of this Part;
  - 2) Refund to the State of any unexpended loan funds in the possession of the loan recipient; and
  - 3) Refund of any loan funds previously expended by the loan recipient, contractor or subcontractor found in noncompliance with this Section.

**Section 886.405 Audit and Records**

- a) The loan recipient shall maintain books, records, documents, reports and other evidentiary material, using accounting procedures and practices that conform to generally accepted accounting principles, to account properly for:
  - 1) The receipt and disposition by the loan recipient of all financial assistance received for the project, including both State assistance and any local share; and
  - 2) The costs charged to the project for which the loan has been awarded, including all direct and indirect costs of whatever nature incurred in performance of the project.
- b) The loan recipient's facilities, or such facilities as may be engaged in the performance of the project for which the loan has been awarded, and the loan recipient's records, shall be subject to inspection and audit by the Agency or any authorized representative at the times specified in Section 886.400 (Access) of this Part.

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c) The loan recipient shall preserve records and make records available to the Agency or any authorized representative:

- 1) For a period of 3 years from the date of final payment under the loan, or for a longer period if required by applicable statute or regulation;
- 2) For records relating to loan work that has been terminated, for a period of 3 years from the date of termination; or
- 3) For records relating to disputes and/or appeals, litigation or the settlement of claims arising out of the performance of the project for which the loan was awarded, or costs and expenses of the project to which exception has been taken by the Agency or any of its duly authorized representatives, until disposition of such appeals, litigation, claims or exceptions.

**Section 886.410 Single Audit Act**

The loan recipient shall comply with the provisions of the Single Audit Act of 1996 (31 USC 7501).

**SUBPART E: INTEREST RATES, LOAN LIMITATIONS, CREDIT WORTHINESS AND FINANCIAL CAPABILITY****Section 886.500 Fixed Loan Rate**

The fixed loan rate is comprised of an interest rate and a loan support rate. The fixed loan rate charged for a brownfields redevelopment loan shall be a simple annual rate at one-half the market interest rate, but not less than 2.50%.

**Section 886.505 Limitations on Loan Amounts**

- a) The maximum loan amount for site investigation activities shall not exceed \$120,000 per site.
- b) The maximum loan amount for any single application submitted pursuant to Section 886.215 (Applications for Brownfields Redevelopment Loans) of this Part shall be limited to \$500,000.
- c) *The maximum loan amount for any single project shall be \$1,000,000. (Section 58.15(b)(3) of the Act)*

**Section 886.510 Credit Worthiness and Financial Capability**

- a) The loan applicant shall demonstrate to the Agency that it has the necessary legal, financial and managerial capability to:
  - 1) Retire the loan; and
  - 2) Meet any covenants and requirements in the loan agreement.
- b) The Agency may suggest mitigative measures to improve the loan applicant's financial capability to undertake the project, including, but not limited to, acquisition of grant funding, reduction of project

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costs, additional or different sources of dedicated revenues and changes to existing financial practices that may threaten generation of adequate revenues.

- c) The Agency may require a loan repayment period of less than the 5 year maximum. In evaluating the appropriateness of alternative loan terms, the Agency shall consider such factors as the scope of the proposed project, the impacts of alternative loan terms on user fees, and the overall cost of the project.

**SUBPART F: DEDICATED SOURCE OF REVENUE, REPAYMENT AND DELINQUENCY****Section 886.600 Dedicated Source of Revenue, Security and Collateral**

- a) Units of local government shall be required to secure the loan repayment obligation by pledging and dedicating a source of revenue to make loan repayments. Prior to loan approval, the Agency shall review the proposed dedicated and pledged revenue source to assure that it will generate revenues adequate to make the loan repayments and will provide a continuing source of revenue adequate to make loan repayments for the term of the loan. If the source of revenue is pledged in a subordinate position to a revenue bond ordinance, the covenants regarding coverage and reserve for the revenue source shall be identical to those in the revenue bond ordinance.

- b) The necessary legislative enactments to dedicate and pledge the source of revenue must be in place before the Agency can make the first loan disbursement.

- c) Units of local government shall establish an account, maintained by a bank or trust, that is restricted to use for loan repayment, in which to deposit the dedicated revenues prior to the time of first loan disbursement.

- d) Units of local government shall, for the term of the loan, review and adjust the dedicated source of revenue as necessary to provide adequate funds for the repayment of the loan. The unit of local government shall timely notify, and submit to the Agency for approval, all proposed changes to the dedicated source of revenue.

- e) The unit of local government shall submit to the Agency, upon request, a statement on the status of the restricted account after initiation of the loan repayment period that contains the status of the dedicated revenue account, including the projected revenues, actual revenues fund balance, debt service obligations and other requirements of the loan agreement. The Agency's approval will be based on, but not limited to, ensuring that the revised dedicated source of revenue is legally authorized, generates sufficient revenue and is otherwise in accordance with this Part.

- f) In the event that the actual revenues fall short of the amount required to retire the loan, the Agency shall have the authority to require the unit of local government to re-examine the dedicated revenue source and restructure it as necessary.

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- g) Private parties shall be required to secure the loan repayment obligation by pledging and dedicating security or collateral sufficient in value to secure the full amount of the loan.

**Section 886.610 Loan Repayment to the Agency**

Loan repayment to the Agency shall be in accordance with the not repayment provisions contained in the loan agreement.

- a) Loan repayment shall commence within 12 months after the initial disbursement of funds by the Agency.
- b) The Agency shall set a principal amount and give the loan recipient an interim repayment schedule.
- c) After a final cost review of the project, the Agency shall determine the final principal amount and give the loan recipient a final repayment schedule.

**Section 886.610 Delinquent Loan Repayments**

- a) If a repayment is not made according to the repayment schedule, the loan recipient shall notify the Agency in writing within 15 days after the repayment due date. The notification shall state the reasons the repayment was not timely tendered and the circumstances under which the late repayment will be satisfied, and shall contain binding commitments to assure future repayments. After receipt of this notification, the Agency shall accept the plan or take action in accordance with subsection (b) below.
- b) If a loan recipient fails to comply with subsection (a) above, the Agency shall promptly issue a notice of delinquency to the loan recipient and require a written response within 15 days. The notice of delinquency shall require the loan recipient to take specified actions as may be appropriate to remedy the delinquency and to assure future repayments.
- c) In the event that the loan recipient fails to timely or adequately respond to a notice of delinquency, or fails to meet any obligations pursuant to subsections (a) and (b) above, the Agency may impose against the loan recipient any of the sanctions set forth in Section 886.300 (Agency Action for Noncompliance with Loan Agreements and Procedures) of this Part, including, but not limited to, termination of the loan.
- d) The Agency shall have the authority to impose a late payment fee on individual loan repayments that are deemed delinquent by the Agency in accordance with the procedures set forth in this Section. The late payment fee shall be an amount equal to twice the fixed loan rate as stated in the loan agreement, multiplied by the delinquent loan repayment amount. The late payment fee may be assessed commencing on the date that the Agency deems the individual loan repayment to be delinquent in accordance with this Section, and may be assessed for each 30-day period that the individual repayment remains delinquent.

## HEALTH FACILITIES PLANNING BOARD

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- 1) Heading of the Part: Health Facilities Planning Procedural Rules

- 2) Code Citation: 77 Ill. Adm. Code 1130

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1130.510	Amendment
1130.510	Amendment
1130.520	Amendment
1130.541	Amendment
1130.542	Amendment
1130.543	Amendment
1130.544	Amendment
1130.545	New
1130.546	New
1130.547	New
1130.548	New
1130.549	New
1130.550	Amendment
1130.560	Amendment
1130.570	Amendment

- 4) Statutory Authority: 20 ILCS 3960 Illinois Health Facilities Planning Act
- 5) A Complete Description of the Subjects and Issues Involved: Changes are proposed to Part 1130 to streamline exemption requirements and to create new exemptions to expedite certain projects currently reviewed under the Certificate of Need (CON) program. Amendments are recommended regarding the: acquisition of major medical equipment, change of ownership of a health care facility, combined facility licensure, temporary use of beds for demonstration programs, equipment to be acquired by or on behalf of a health care facility, and the addition of dialysis stations. The State Board proposes new exemptions for: limited chronic renal dialysis service, certain construction and modification projects, life safety code projects, establishment or expansion of neonatal intensive care services, and the voluntary discontinuation of a category of service. The changes will exempt projects that do not have a substantial financial impact upon health care facilities or upon consumers. In addition, these changes will provide increased flexibility to health care providers by substantially reducing CON processing time while simultaneously supplying the State Board with information necessary to carry out the mandates of the Health Facilities Planning Act.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No

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- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking by writing within 45 days after this issue of the *Illinois Register* to:

Donald Jones  
 Illinois Health Facilities Planning Board  
 Illinois Department of Public Health  
 525 West Jefferson Street, Second Floor  
 Springfield, Illinois 62761-3001  
 (217) 782-3516  
 (217) 785-4308 (fax)  
 800-547-0466 (TDD - for hearing impaired only)  
 djones1@dph.state.il.us

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

A public hearing will be held on Wednesday, May 31, 2000, at 3:30 p.m. at the Executive Plaza Hotel, 71 East Wacker Drive, Chicago, Illinois. The hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the State Board will follow these procedures in the conduct of the hearing:

- 1) Each person presenting oral testimony is requested to provide to the State Board a written (preferably typed) copy of such testimony at the time the oral testimony is presented.
- 2) No person will be recognized to speak for a second time until all persons wishing to testify have done so. The State Board may limit the time the hearing is open and limit the time of individual testimony based upon the number of persons wishing to testify. All testimony shall conclude at the specified time except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.
- 3) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the State Board may impose such other rules of procedure, including the order of call of witnesses, as necessary.

These rules may have an impact on small businesses. In accordance with

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Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Donald Jones at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Health care facilities that meet the definition of small business or not for profit corporation.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

## 13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begin on the next page:



## HEALTH FACILITIES PLANNING BOARD

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TITLE 77: PUBLIC HEALTH  
CHAPTER II: HEALTH FACILITIES  
PLANNING BOARD  
SUBCHAPTER b: OTHER BOARD RULES

1130.544 Requirements for Exemption for the Addition of Dialysis Stations  
1130.545 Requirements for the Establishment of a Limited Chronic Renal  
Dialysis Service at Existing Hospitals  
1130.546 Requirements for Exemption for Certain Construction or Modification  
Projects

## PART 1130

## HEALTH FACILITIES PLANNING PROCEDURAL RULES

## SUBPART A: AUTHORITY, PURPOSE AND DEFINITIONS

Section  
1130.110 Statutory Authority/Applicability  
1130.120 Public Hearings  
1130.130 Purpose  
1130.140 Definitions  
1130.150 Incorporated Materials

## SUBPART B: WHO IS SUBJECT TO THE HEALTH FACILITIES PLANNING ACT

Section  
1130.210 Persons Subject to the Act  
1130.220 Necessary Parties to the Application for Permit or Exemption

## SUBPART C: TRANSACTIONS SUBJECT TO REVIEW

Section  
1130.310 Transactions Subject to Review

## SUBPART D: PROJECTS THAT TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

Section  
1130.410 Projects that Transactions Which Are Exempt from Review

## SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

Section  
1130.510 Requirements for Exemptions Involving the Acquisition of Major  
Medical Equipment  
1130.520 Requirements for Exemptions Involving the Change of Ownership of  
a Health Care Facility  
1130.530 Requirements for Exemptions Involving Health Maintenance  
Organizations (Repealed)  
1130.540 Requirements for Exemptions Involving Discontinuation  
Requirements for Exemptions for Combined Facility Licensure  
1130.541 Requirements for Exemptions for Temporary Use of Beds for  
Demonstration Programs  
1130.542 Requirements for Exemption for Equipment to be Acquired By or on  
Behalf of a Health Care Facility

## PART 1130

1130.547 Requirements for Exemption for Life Safety Code Projects  
1130.548 Requirements for Exemption for the Establishment or Expansion of  
Residential Intermediate Care Service and Beds  
1130.549 Requirements for Exemption for the Voluntary Discontinuation of a  
Category of Service  
1130.550 Agency Processing of an Application for Exemption  
1130.560 State Board Action  
1130.570 Validity of an Exemption and Reporting Requirements

SUBPART F: PROCEDURAL REQUIREMENTS FOR THE REVIEW AND PROCESSING OF  
APPLICATIONS FOR PERMIT

Section  
1130.610 Duration of the Review Period and Time Frames  
1130.620 Consultation, Classification, Completeness Review, and Review  
Procedures  
1130.630 Agency Actions During the Review Period  
1130.640 Extension of the Review Period Prior to Initial State Board Action  
1130.650 Modification of an Application  
1130.660 Approval of an Application  
1130.670 Notice of Intent-to-Deny an Application  
1130.680 Denial of an Application

## SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

Section  
1130.710 Validity of Permits  
1130.720 Obligation  
1130.730 Extension of the Obligation Period  
1130.740 Renewal of a Permit  
1130.750 Alteration of a Project for which a Permit Has Been Issued  
1130.760 Annual Progress Reports  
1130.770 Project Completion, Final Realized Costs and Cost Overruns  
1130.780 Revocation of a Permit  
1130.790 Penalties, Fines and Sanctions Mandated in the Illinois Health  
Facilities Planning Act for Non-compliance with the Act and the  
State Board's Rules

## SUBPART H: DECLARATORY RULINGS

Section  
1130.810 Declaratory Rulings

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## APPENDIX A Annual Inflation Adjustments to Review Thresholds

AUTHORITY: Implementing and Planning Act [20 ILCS 3960].

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March 26, 1993; amended at 19 Ill. Reg. 2372, effective March 1, 1995; expedited correction at 21 Ill. Reg. 3753, effective March 1, 1995; reclassified at 20 Ill. Reg. 2597; emergency amendment at 21 Ill. Reg. 12671, effective September 2, 1997, for a maximum of 150 days; emergency expired January 30, 1998; amended at 23 Ill. Reg. 2911, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 3835, effective March 15, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7752, effective July 9, 1999; amended at 24 Ill. Reg. 6013, effective April 7, 2000; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART D: PROJECTS THAT TRANSACTIONS WHICH ARE EXEMPT FROM REVIEW

## Section 1130.410 Projects that Transactions Which Are Exempt from Review

The following proposed projects that meet the requirements of this Subpart and Subpart E transactions are not subject to review and to the requirements of obtaining a permit, if an exemption is granted by the State Board:

- a) the acquisition of major medical equipment which will not be owned by, operated in behalf of, or located in a health care facility or be used to provide services to an inpatient of a health care facility.
- b) the change of ownership of an existing health care facility.
- c) the discontinuation of an existing health care facility or of a category of service when that discontinuation is the result of:
  - 1) revocation of or denial of license renewal by a State or local regulatory agency;
  - 2) for facilities not subject to licensure, the loss of certification;
  - 3) discontinuation action taken by the State Board;
  - 4) the voluntary surrender of a suspended license.
- d) the combination of two or more existing health care facilities into a single licensed health care facility, when:
  - 1) the existing facilities are located on the same site or on sites adjacent to one another;
  - 2) the licensed person for the existing facilities is the same;
  - 3) the combination is for the sole purpose of operating the existing facilities under a single license;
  - 4) the combination does not involve any cost, any change in scope of

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services provided, or any change in bed capacity.

- e) the temporary use of beds within existing health care facilities for purposes other than categories of service as defined in 77 Ill. Adm. Code 1100, provided the following are met:
  - 1) the beds will be utilized to provide services as part of a demonstration program authorized by State or federal law, such as, but not limited to, the supportive living facility demonstration project established under Section 5-5.01a of the Illinois Public Aid Code; and
  - 2) the beds will continue to be inventoried according to their presently approved use; and
  - 3) the temporary use of such beds shall cease upon withdrawal from or completion of the demonstration program; and
  - 4) that if such beds are to be permanently used for purposes other than those inventoried, a permit will be obtained from the State Board; and
  - 5) that the temporary use of such beds will not be for demonstration models established pursuant to the Alternative Health Care Delivery Act [210 ILCS 3].
- f) the proposed acquisition or replacement of equipment by or on behalf of a health care facility that does not substantially change the bed count or the scope or functional operation of a health care facility and that does not exceed the lesser of \$4 million or 10% of the facility's operating revenues derived from patient/resident care (based upon the latest available audited financial statements of the facility or of the person who controls the facility).
- g) a proposed project for the addition of dialysis stations to existing facilities located in planning areas where the inventory indicates a need for additional stations provided that the number of stations to be added does not exceed the inventory and also provided that the stations as calculated in the inventory and also provided that the number of stations to be added does not exceed the lesser of 10 stations or 50% of the facility's certified station capacity.
- h) a proposed project to establish limited chronic renal dialysis services at existing hospitals.
- i) a proposed project limited in scope to specific types of construction or modification as specified in Subpart E.
- j) a proposed project, other than replacement of a facility, that is limited in scope to complying with life safety code requirements as specified in Subpart E.
- k) a proposed project limited to the establishment or expansion of a neonatal intensive care service or beds as specified in Subpart E.
- l) a proposed project limited to the voluntary discontinuation of a category of service as specified in Subpart E.
- m) proposed projects or transactions (such as name changes or corporate restructuring) that the State Board has determined pursuant to Section 1130.810 do not warrant review.

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(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: PROCEDURAL REQUIREMENTS FOR EXEMPTIONS

## Section 1130.510 Requirements for Exemptions Involving the Acquisition of Major Medical Equipment

A person who proposes to acquire major medical equipment that will not be located in a health care facility and that is not being acquired by or on behalf of a health care facility and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by the required application processing fee. The application for exemption shall be subject to review and action by the State Board pursuant to Section 1130.560.

## a) Submission of Application for Exemption

Prior to any person acquiring major medical equipment which will not be owned by or located in a health care facility, the person must submit an application for exemption to the State Board, submit the required application processing fee pursuant to 24 Ill. Reg. 1130.560, and receive approval from the State Board.

## b) Application for Exemption Information

The application for exemption is subject to approval under Section 1130.560 and shall contain the following information:

- 1) The name and address of the applicant(s) proposing to acquire the equipment (see Section 1130.220);
- 2) Name and address of any person related to the applicant(s);
- 3) Identification of the equipment to be acquired including model number, manufacturer and equipment specifications;
- 4) The address of the premises where the equipment will be installed or used and a description of the premises that includes a gross square footage space allocation for the functions contained therein, such as, but not limited to, diagnostic or treatment areas, administrative space, doctors offices, waiting rooms, etc., and whether any common space is shared or utilized by persons other than the applicant(s);

5) Copies of any existing or proposed lease or purchase agreements or a proof of ownership regarding the premises where the equipment will be installed;

6) Name and address of the person who owns the premises and a narrative that discloses any legal or contractual relationship with the applicant and with any health care facility or related person (as defined in Section 1130.140) concerning operation of the equipment whether that person is related to a health care facility or to the applicant(s);

6.1) A signed certification that the equipment will not be used to provide services to inpatients of any health care facility;

7) A signed certification that use of the proposed equipment will

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not result in the inpatient admission of patients to a health care facility following outpatient treatment except in emergency conditions;

8.1) A signed certification that the operator of the equipment will maintain a quality assurance plan that addresses description of each component of an existing or proposed quality assurance plan for the proposed equipment addressing the following:

- A) how regular objective evaluation of all audits and medical care will be performed;
- B) how patient interviews and complaint evaluation will be performed;

- C) infection control measures;
- D) incident reporting;
- E) allied health professional credentialing;
- F) evaluation of external surveys affecting quality of care;
- G) safety committee concerns;
- H) problem resolution; and
- I) confidentiality concerns; and

9.1) The cost or fair market value of the equipment plus all capital costs associated with the acquisition, installation, or operation of the equipment, including the construction costs or fair market value of the premises where the equipment will be installed.

BOARD AGENCY NOTE: A permit is required for the acquisition of major medical equipment which will be owned by, located in, or utilized to serve inpatients of a health care facility. Equipment acquired by exemption cannot be used to treat patients who are directly admitted into an inpatient unit of a health care facility except in the case of a medical emergency which threatens the life of the patient. A physician licensed to practice medicine in all of its branches must verify that such inpatient admission was caused by a medical emergency.

## b) Application Processing Fee

The application processing fee shall be the greater of \$1,000 or 1 percent of the total estimated transaction or project cost.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1130.520 Requirements for Exemptions Involving the Change of Ownership of a Health Care Facility

A person who proposes to acquire an existing health care facility and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by the required application processing fee. The application for exemption shall be subject to review and action by the Chairman pursuant to Section 1130.560.

## a) Submission of Application for Exemption

Prior to any person acquiring or entering into a contract to acquire

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~~an existing health care facility; the person must submit an application for exemption to the State Board; submit the required application processing fee and receive approval from the State Board.~~

- b) Application for Exemption Information  
The application for exemption shall contain the following information  
~~shall be approved pursuant to Section 1190.564 when the following information is submitted:~~

- 1) the name and address of the person proposing to acquire the facility;
- 2) the name and location of the existing health care facility to be acquired;
- 3) a signed certification that the categories of service and number of beds as reflected in the Inventory of Health Care Facilities maintained by IDPH will not substantially change (per definition in Section 1130.140);
- 4) documents which detail conditions and terms of any lease or purchase arrangement;
- 5) ~~financial information; the latest audited financial statements of the applicant and a statement by the applicant specifying the source of funds which will be used to acquire the facility;~~
- 6) the anticipated acquisition price and the fair market value of the facility to be being acquired (determination of fair market value is stipulated by Section 1190.40(b)) and the sources of funds to finance the acquisition;
- 6) proof of publication of the required legal notice of the change of ownership (as required by subsection Section 1190.558(c) of this Section);

- 8) ~~a statement acknowledging that the change of ownership will void any permits for projects which have not been completed;~~

7) documentation from the Illinois Secretary of State that the legal entity that is the exemption applicant is registered to conduct business in Illinois and is in good standing;

- 8) certification that the acquisition or purchase agreement has not yet been entered into or executed, or if the acquisition or purchase agreement has been executed it contains a clause stating the transaction is contingent upon receiving approval from the Illinois Health Facilities Planning Board;

- 9) certification that any projects for which permits have been issued have been completed or will be completed or altered in accordance with the provisions of this Section prior to the effective date of the change of ownership;

- 10) if the change of ownership is for a governmental or not-for-profit facility or for a proprietary hospital, a copy of the applicant's latest audited financial statements;

- 11) if the change of ownership is for a governmental or not-for-profit facility or for a proprietary hospital, a certified copy of the transcript of the public hearing and copies of all exhibits, documents and other written materials presented

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at the hearing:

- 12) if the change of ownership is for a governmental or not-for-profit facility or for a proprietary hospital, copies of the bylaws for the existing facility and for the applicant; and
- 13) if the change of ownership is for a governmental or not-for-profit facility, or for a proprietary hospital, a written response addressing the review criteria of 77 Ill. Adm. Code 1110.240. Such response shall be made available for public inspection on the premises of the health care facility at least 10 days prior to the public hearing required by this Section.

## b) Legal Notice Requirements

Any person requesting an exemption for a change of ownership must publish a legal notice in a newspaper of general circulation in the community in which the facility is located. This legal notice must provide the following:

- 1) the name and address of the facility for which the exemption is sought;
- 2) the name and address of the applicant entity requesting the exemption;
- 3) the nature of the transaction (e.g., the purchase, lease, or transfer of stock of the licensed entity);
- 4) when the entity which will be assuming ownership of the facility is a wholly owned subsidiary of another corporation, the name and address of the parent firm;
- 5) a statement that all categories of service and beds currently provided will be maintained and a statement as to whether the applicant proposes the discontinuation of any category of service within six months from the anticipated acquisition date;
- 6) if the change of ownership is for a governmental or not-for-profit facility or for a proprietary hospital, an announcement of a public hearing containing the information requirements of this Section; and
- 7) a name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction.

AGENCY NOTE: Professional and trade association publications that are intended to serve a defined population are not considered ~~will not be considered~~ a newspapers newspaper of general circulation for purposes of this Section.

- c) Public Hearing Requirements for Governmental or Not-For-Profit Facility Changes of Ownership:

Any person requesting an exemption for a change of ownership of a governmental or not-for-profit facility or for a proprietary hospital must conduct a public hearing in the community in which the facility is located. The hearing shall be held in a place of reasonable size and accessibility and a full and complete written transcript of the proceedings shall be made. The applicant shall include in the legal notice required in this Section the following information:

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- 1) a statement as to the anticipated benefits of the proposed changes in ownership to the community;
  - 2) the anticipated or potential cost savings, if any, that will result for the community and the facility as a result of the change in ownership;
  - 3) a description of the mechanism that will be utilized to assure quality control;
  - 4) a description of the applicant's organizational structure, including a listing of controlling or subsidiary persons;
  - 5) a description of the selection process that the acquiring entity will utilize in selecting the facility's board of directors;
  - 6) a statement that the applicant has prepared a written response addressing the review criteria contained in 77 Ill. Adm. Code 1110.240 and that the response is available for public review on the premises of the health care facility;
  - 7) the location, time, and date of the hearing, which must be no later than 10 days nor more than 30 days after the date of publication of the legal notice; and
  - 8) a statement that the hearing is an open public meeting at which time an opportunity will be afforded to all persons wishing to present written or oral comments.
- d) Application Processing Fee
- The application processing fee is \$1,000.
- e) Completion of Projects with Outstanding Permits

1) For purposes of this change of ownership, a permit will not be considered transferred for any project that does not involve the establishment of a health care facility or that does not involve a substantial change in scope (as defined in Section 1130.140) provided that the project has been obligated in accordance with the provisions of Section 1130.140 and has proceeded with due diligence.

- 2) Permits for projects involving the establishment of a new facility or involving a substantial change in scope will not be considered transferred if the following has been documented:
  - a) for projects involving the establishment of a new facility, the facility must be licensed for certified if licensing is not applicable) and also be operational as defined in Section 1130.140; and
  - b) for projects involving a substantial change in scope, the change in scope must have been accomplished (e.g., a new service initiated and operational, discontinuation of a service completed, a new surgical specialty provided, and additional dialysis stations placed in operation).

- 3) In the event of a change of ownership of a health care facility prior to the completion of an approved project that does not meet the requirements of this subsection (e), it is the responsibility of the permit holder to seek State Board approval to alter the

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permit to reflect only that construction or modification which will be completed at the time ownership of the facility transfers to another person. Failure to obtain an alteration approval will result in the totality of the permit being considered abandoned. Any person requesting an exemption for a change of ownership of a health care facility for which an outstanding permit exists must in the case where a permit has been altered to avoid abandonment, submit documentation in accordance with the provisions of Section 1130.750 to detail as to the scope and costs associated with completing the project as originally proposed. IDPH shall advise the applicant for exemption if a permit is required under Section 1130.310. A permit is required if the remainder of the project meets the review conditions specified in Section 1130.310.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1130.541 Requirements for Exemptions for Combined Facility Licensure

A person who proposes proposing to combine two or more existing health care facilities into a single licensed health care facility and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by ~~submit the required application processing fee. The application for exemption shall be subject to review and action by the State Board pursuant to Section 1130.560. pursuant to 77 Ill. Adm. Code 1110.7 and receive approval from the State Board. The application for exemption shall consist of a written notice, notarized and attested to by an authorized representative of the applicant, that contains the following:~~

- a) Application for Exemption Information
  - 1) the name and address of the applicant proposing the combination;
  - 2) documentation that the requirements of Section 1130.410 pertaining to the transaction will be met;
  - 3) proof of publication of a legal notice in a newspaper of general circulation in the community in which the facilities are located.

The notice shall provide the name and address of the applicant and the facilities to be combined, a description of the transaction addressing the applicable requirements of Section 1130.410, and the name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction; and

- 4) certification that the transaction has not yet been entered into or executed.

BOARD NOTE: Professional and trade association publications that are intended to serve a defined population are not considered newspapers of general circulation for purposes of this Section.

- b) Application Processing Fee



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The application processing fee shall be \$1,000.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

### Section 1130.542 Requirements for Exemptions for Temporary Use of Beds for Demonstration Programs

A person who proposes ~~proposing~~ the temporary use of existing beds for purposes other than categories of service currently approved and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by ~~most submit an application for exemption to the State Board; submit the required application processing fee.~~ The application for exemption shall be subject to review and action by the State Board pursuant to Section 1130.560. ~~pursuant to 77 Ill. Adm. Code 1199; and receive approval from the State Board.~~ ~~The application for exemption shall consist of a written notice, notarized and attested to by an officer of the person who is the applicant, that contains the following:~~

a) Application for Exemption Information

The application for exemption shall contain the following information:  
1) certification that the applicant will adhere to and comply with the applicable provisions of Section 1130.410; and

2) ~~proof of publication of a legal notice in a newspaper of general circulation in the community in which the facility is located.~~  
The notice shall provide the name and address of the applicant and of the facility that proposes to participate in the demonstration program, a description of the demonstration program, the number of beds proposed to participate in the demonstration program, and the name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction.

BOARD NOTE: Professional and trade association publications that are intended to serve a defined population are not considered newspapers of general circulation for purposes of this Section.

b) Application processing fee  
The application processing fee shall be the greater of \$1,000 or 1 percent of the total estimated transaction or project cost.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

### Section 1130.543 Requirements for Exemption for Equipment to be Acquired By or on Behalf of a Health Care Facility

A person who proposes ~~proposing~~ a project to acquire equipment (for, by, or on behalf of a health care facility) that does not change the scope or functional operation of a health care facility and that costs the lesser of \$4 million or 10% of the facility's operating revenue derived from patient/resident care

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(based upon the latest available audited financial statements of the facility or of the person who controls the facility) and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by ~~submit the required application processing fee and receive approval from the State Board.~~ The application for exemption shall be subject to review and action by the State Board pursuant to Section 1130.560.

a) Application for Exemption Information

The application for exemption shall contain ~~is subject to approval pursuant to Section 1130.560 and shall include the following information:~~

- 1) the name and address of the person proposing to acquire the equipment;
- 2) the name and location of the existing facility where the equipment will be located;
- 3) a description of the equipment being acquired, the costs associated with the acquisition of the equipment, and the sources and uses of funds;
- 4) the latest audited financial statements for the facility or of the person who controls the facility;
- 5) the method of financing the acquisition;
- 6) the anticipated project, acquisition and construction schedule, including the anticipated date of project obligation and project completion;
- 7) a certification that the elements of the transaction or the project complies with the factors specified in Section 1130.310(c);
- 8) a certification that a final cost report will be submitted to the Agency no later than 60 days following the project completion date; and
- 9) certification that the equipment has not yet been acquired and that contracts and agreements to acquire the equipment have not yet been entered into or executed.

BOARD NOTE: Certification of compliance with the exemption information requirements of this Section must be in the form of a notarized statement signed by two authorized representatives (in the case of a corporation, one must be a member of the board of directors) of the applicant entity.

b) Application Processing Fee

The application processing fee shall be the greater of \$1,000 or 1 percent of the total estimated transaction or project cost. ~~assessed in accordance with the fee assessment provisions for Application for Exemption of Major Medical Equipment Specified at 77 Ill. Adm. Code 1199.99;~~

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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**Section 1130.544 Requirements for Exemption for the Addition of Dialysis Stations**

A person who proposes proposing a project to add dialysis stations to an existing facility that is located in a planning area where the inventory indicates a need for additional stations and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by 7-submtt the required application processing fee and receive approval from the State Board. The application for exemption shall be subject to review and action by the State Board pursuant to Section 1130.560. The number of stations to be added cannot exceed the planning area's need for additional stations as calculated in the inventory in effect on the date of State Board consideration and also cannot exceed the lesser of 10 stations or 50% of the facility's certified station capacity.

- a) Application for Exemption Information  
The application for exemption shall contain be subject to approval pursuant to--to--Section--1130-560--and--shall--include the following information:
  - 1) the name and address of the person proposing the project;
  - 2) the name and location of the existing facility where the additional dialysis stations will be added;
  - 3) the number of dialysis stations to be added and the cost associated with the addition and the sources and uses of funds;
  - 4) the anticipated project schedule, including the anticipated date of project obligation and project completion;
  - 5) documentation that for the most recent twelve month period, the existing facility has operated at or in excess of the minimum utilization rate specified at 77 Ill. Adm. Code 1100.620;
  - 6) a certification that a final cost report will be submitted to the Agency no later than 60 days following the project completion date;
  - 7) proof of publication of a legal notice in a newspaper of general circulation in the community in which the facility is located; and
  - 8) certification that the project has not yet been entered into or executed.

**BOARD AGENCY NOTE:** Certification of compliance with the exemption information requirements of this Section must be in the form of a notarized statement signed by two authorized representatives (in the case of a corporation, one must be a member of the board of directors) of the applicant entity.

- b) Legal Notice Requirements  
Any person requesting an exemption for a proposed addition of dialysis stations must publish a legal notice in a newspaper of general circulation (professional and trade association publications that are intended to serve a defined population) will not be considered a newspaper of general circulation) in the community in which the facility is located that provides the following:

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- 1) the name and address of the facility for which the exemption is sought;
- 2) the number of dialysis stations to be added and the proposed project costs;
- 3) a name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed transaction.

**BOARD NOTE:** Professional and trade association publications that are intended to serve a defined population are not considered newspapers of general circulation for purposes of this Section.

- c) Application Processing Fee  
The application processing fee shall be the greater of \$1,000 or 1 percent of the total estimated transaction or project cost. assessed in accordance with the fee assessment provisions for Applications for Exemption of Major Medical Equipment Specified at 77 Ill. Adm. Code 1100.997.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

**Section 1130.545 Requirements for the Establishment of a Limited Chronic Renal Dialysis Service at Existing Hospitals**

A person who proposes to establish a chronic renal dialysis service of no more than two dialysis stations at an existing hospital and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by the required application processing fee. The application for exemption shall be subject to review and action by the State Board pursuant to Section 1130.560.

- a) Application for Exemption Information  
The application for exemption shall contain the following information:
  - 1) the name and address of the person proposing the project;
  - 2) the name and location of the existing hospital where the project will occur;
  - 3) the number of dialysis stations proposed;
  - 4) certification that the purpose of the project is to provide dialysis services on a limited basis to patients who are unable to obtain such services at other dialysis facilities within thirty minutes travel time of the applicant's facility;
  - 5) certification that the applicant has contacted other providers within 30 minutes travel time of the applicant facility and found that the other facility(ies) are unable to provide this service;
  - 6) acknowledgment that the number of dialysis stations approved shall not be inventoried as existing stations for purposes of planning area dialysis station need determination established in 77 Ill. Adm. Code 1100; and
  - 7) acknowledgment that a permit is required to establish the chronic renal disease category of service if the facility proposes to

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establish three or more dialysis stations or to provide the service on a regular or continuing basis.

- b) Application Processing Fee  
The application processing fee shall be \$1,000.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 1130.546 Requirements for Exemption for Certain Construction or Modification Projects

A person who proposes a project that is limited in scope to the areas or components specified in subsection (a)(3) and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by the required application processing fee. The application for exemption shall be subject to review and action by the State Board pursuant to Section 1130.560.

- a) Application for Exemption Information

The application for exemption shall contain the following information:

- 1) the name and address of the person proposing the project;
- 2) the name and location of the existing facility where the project will occur;
- 3) a description of the project and documentation that the construction or modification is solely for any of the following:
  - A) administrative and volunteer offices and space;
  - B) boiler repair or replacement within the licensed premises or upon the facility's campus;
  - C) bridges, tunnels, walkways, elevators, or other structures designed to provide access between or through existing buildings;
  - D) capitalized maintenance projects, such as carpeting, tile, or furniture purchase or replacement;
  - E) computer systems or hardware that does not involve diagnostic or therapeutic patient care;
  - F) educational facilities or space including auditoriums, classrooms, or student housing;
  - G) emergency transportation equipment;
  - H) gift shops, news stands or other retail space within the licensed premises or upon the facility's campus;
  - I) loading docks;
  - J) mechanical systems for heating, ventilation, or air conditioning;
  - K) non-patient or non-resident dining areas such as cafeterias, restaurants, or snack bars;
  - L) parking facilities or structures; and
  - M) telephone or communication systems;
- 4) the total estimated project cost and the sources and uses of funds;

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- 5) the latest audited financial statements for the applicant entity;
- 6) the anticipated project schedule, including the anticipated date of project obligation and project completion;
- 7) the facility's annual lease expense or annual capital cost that can not exceed the applicable standards of this subsection (a)(7). Capital cost includes all depreciation, amortization and interest expense in current dollars and must be based upon the facility's latest audited financial statements adjusted to include the projected capital cost for all capital projects in process or obligated. The applicable standards are:

- A) \$197 per equivalent patient day in the case of a project for a medical school hospital;
- B) \$157 per equivalent patient day in the case of a project for a non-medical school hospital;
- C) \$116,000 per operating room in the case of a project for a non-hospital based ambulatory surgical treatment center;
- D) \$17 per equivalent patient day in the case of a project for a facility licensed under the Nursing Home Care Act; and
- E) \$22,882 per station annual lease cost in the case of a project for a kidney disease treatment facility;
- 8) the methodology and assumptions utilized in determining the projected annual capital cost; and
- 9) a certification that a final cost report will be submitted to the Agency no later than 60 days following the anticipated project completion date.

BOARD NOTE: The standards in subsection (a)(7) utilize the Year 2000 as the base year and will be inflated (or deflated, if applicable) by the lesser of 3% or the latest capital expenditure inflation factor as published pursuant to Appendix A of this Part.

- b) Application Processing Fee  
The application processing fee shall be the greater of \$1,000 or .1 percent of the total estimated project cost with a maximum application processing fee of \$20,000 for projects with \$20,000,000 or more estimated project cost.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 1130.547 Requirements for Exemption for Life Safety Code Projects

A person who proposes a project (other than the replacement of a health care facility) that is solely for the purpose of correcting life safety code deficiencies or for the purpose of complying with life safety code requirements at an existing health care facility and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by the required application processing fee. The application for exemption shall be subject to review and action by the State Board pursuant to Section 1130.560.

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- a) Application for Exemption Information  
The application for exemption shall contain the following information:
- 1) the name and address of the person proposing the project;
  - 2) The name and location of the existing facility where the project will occur;
  - 3) documentation, such as the citation, that identifies and verifies the life safety code deficiencies or requirements that must be corrected or accomplished;
  - 4) a description of how the project will correct or remedy the life safety code deficiencies or requirements;
  - 5) a certification that the entire purpose and scope of the project is limited to complying with life safety code requirements;
  - 6) the total estimated project cost and the sources and uses of funds;
  - 7) the anticipated project schedule, including the anticipated date of project obligation and project completion;
  - 8) a certification that a final cost report will be submitted to the Agency no later than 60 days following the anticipated project completion date.
- b) Application Processing Fee  
The application processing fee shall be the greater of \$1,000 or 1 percent of the total estimated project cost with a maximum application processing fee of \$10,000 for projects with \$10,000,000 or more estimated project cost.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1130.548 Requirements for Exemption for the Establishment or Expansion of Neonatal Intensive Care Service and Beds

A person who proposes a project that is solely for the purpose of establishing or expanding a neonatal intensive care category of service (NICU) and adding NICU beds, and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by the required application processing fee. The application for exemption shall be subject to review and action by the State Board pursuant to Section 1130.560.

- a) Application for Exemption Information  
The application for exemption shall contain the following information:
- 1) The name and address of the person proposing the project;
  - 2) the name and location of the existing facility where the project will occur;
  - 3) a description of the project that identifies the location of the neonatal intensive care unit and the number of neonatal intensive care beds proposed;
  - 4) the total estimated project cost and the sources and uses of funds;

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- c) the anticipated project schedule, including the anticipated date of project obligation and project completion;
- 6) a copy of a signed letter of support for the proposed project from the Regionalized Perinatal Advisory Committee (77 Ill. Adm. Code 640).
- 7) a certification that a final cost report will be submitted to the Agency no later than 60 days following the anticipated project completion date;
- 8) the facility's annual capital cost that can not exceed the applicable standards of this subsection (a)(8). Capital cost includes all depreciation, amortization and interest expense in current dollars and must be based upon the facility's latest audited financial statements adjusted to include the projected capital cost for all capital projects in process or obligated. The applicable standards are:
  - A) \$197 per equivalent patient day in the case of a project for a medical school hospital;
  - B) \$157 per equivalent patient day in the case of a project for a non-medical school hospital;
- 9) the methodology and assumptions utilized in determining the projected annual capital costs;
- 10) a certification that a final cost report will be submitted to the Agency no later than 60 days following the anticipated project completion date.

BOARD NOTE: The standards in subsection (a)(8) utilize the year 2000 as the base year and will be inflated (or deflated, if applicable) by the lesser of 3% or the latest capital expenditure inflation factor as published pursuant to Appendix A of this Part.

- b) Application processing fee  
The application processing fee shall be the greater of \$1,000 or 1 percent of the total estimated project cost with a maximum application processing fee of \$20,000 for projects with \$20,000,000 or more estimated project cost.

(Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 1130.549 Requirements for Exemption for the Voluntary Discontinuation of a Category of Service

A person who proposes a project that is solely for the voluntary discontinuation of a category of service at no cost and who requests an exemption from the requirements of obtaining a permit must submit an application for exemption to the State Board accompanied by the required application processing fee. The application for exemption shall be subject to review and action by the State Board pursuant to Section 1130.560.

- a) Application for Exemption Information  
The application for exemption shall contain the following information:



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- 1) the name and address of the person proposing the discontinuation project;
  - 2) the name and location of the existing facility where the discontinuation project will occur;
  - 3) a narrative that addresses the discontinuation review criterion specified in 77 Ill. Adm. Code 1130.1130;
  - 4) proof of publication of a legal notice (per subsection (b)) in a newspaper of general circulation in the community in which the facility is located;
  - 5) certification that the discontinuation of the category of service will not result in the discontinuation of the entire health care facility;
  - 6) certification that the discontinuation of the category of service will not result in increasing or creating a need for additional beds or services in a planning area as indicated by the Inventory of Health Care Facilities and Services and Need Determinations' latest updates published pursuant to 77 Ill. Adm. Code 1100.70.
- b) Legal Notice Requirements
- A person requesting an exemption for a project to discontinue a category of service must publish a legal notice in a newspaper of general circulation in the community in which the facility is located that provides the following:
- 1) the name and address of the facility where the proposed discontinuation project will occur;
  - 2) identification of the service and number of beds proposed to be discontinued and the anticipated date of discontinuation;
  - 3) the name, location (including street address), and telephone number of other facilities or providers within 30 minutes travel time of the applicant's facility that have entered into transfer agreements with the applicant to provide the same service to the existing facility's planning area residents without conditions, limitations, or discrimination, or if there are no other available or willing facilities or providers within 30 minutes travel time that provide the same service, a statement to such effect;
  - 4) a name, title, address and phone number of an individual from whom interested parties may obtain information concerning the proposed discontinuation.
- BOARD NOTE: Professional and trade association publications that are intended to serve a defined population are not considered newspapers of general circulation for purposes of this Section.
- c) Application Processing Fee
- The application processing fee shall be \$100.
- (Source: Added at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1130-550 Agency Processing of an Application for Exemption

## HEALTH FACILITIES PLANNING BOARD

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- a) Application for Exemption Form
  - Requests for exemptions must be made on an application for exemption form which may be obtained from the Agency.
  - b) Completeness
  - The Agency shall review an application for exemption to determine whether all required information and the required application processing fee have been submitted. The Agency shall notify the applicant by certified mail no later than 30 days after receipt of the application whether the application is complete or incomplete due to the fee or required information not being submitted. ~~if additional information is required the applicant shall be allowed 30 days from the date that notification is received to provide the additional information.~~ ~~Additional information The required information or fee must be received by the Agency within 30 days after the date the notification was received. Failure to submit the requested additional information shall result in the application for exemption being voided with the loss of all fees paid.~~
  - c) Submission to Chairman or State Board
  - The Agency shall forward all complete applications for review and action to the Chairman or the State Board, as applicable.
  - ~~Agency Note: it is the responsibility of the applicant to assure that the Agency is in receipt of the additional information within the prescribed time frame.~~
- (Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)
- Section 1130.560 State Board Action
- a) Action by Chairman
  - ~~the approval of an application for exemption requiring action by the State Board requires eight affirmative votes.~~
  - b) Exemption applications for the acquisition of major medical equipment
  - ~~the acquisition of equipment by or on behalf of a health care facility and the addition of dialysis stations to an existing facility require review and action by the State Board. The Chairman, acting on behalf of the State Board, shall review all other applications for exemption as provided by the applicable Sections of this Subpart and approve, deny, or refer the applications to the State Board for State Board review and action.~~
  - b) The State Board shall evaluate each application for exemption that requires State Board action pursuant to the applicable Sections of this Subpart for acquisition of major medical equipment for the acquisition of equipment by or on behalf of a health care facility for the addition of dialysis stations to an existing facility and any application for exemption referred by the Chairman and either issue an exemption or advise the applicant in writing that the application is denied and is not in compliance with exemption requirements. The



## HEALTH FACILITIES PLANNING BOARD

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minimum review period for an application that requires action by the State Board is 30 days after being deemed complete by the Agency. The approval of an application for exemption requiring action by or referred to the State Board requires equal affirmative votes. The State Board shall approve all applications for exemption if the applicable conditions of this Subpart are met. Exemptions will not be issued for projects that have failed to meet the applicable requirements of this Subpart. An exemption for a change of ownership shall not be granted for a project to establish a health care facility which has received a permit but which has not met the requirements of Section 1130.520 been completed.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1130.570 Validity of an Exemption and Reporting Requirements

## a) Due Diligence Requirements

An exemption shall be valid through project completion provided the project or transaction proceeds with due diligence and meets the following requirements:

- 1) that prior to initiating the project, the exemption holder has provided notice of any material change to the project in accordance with the reporting requirements of this Section. For purposes of this Section a material change is:
  - A) an increase of more than 5% and less than 10% of the proposed project cost for projects other than changes of ownership;
  - B) an increase or decrease of more than 5% and less than 10% of the proposed acquisition or project cost for a change of ownership of a governmental or not-for-profit facility or of a proprietary hospital;
  - C) any change that results in a project not being in compliance with the applicable requirements for exemption approval or any change in the representations contained in the legal notice previously published (e.g., exceeding capital cost standards, changing the selection process for a board of directors, etc.).
- 2) that no later than one year following the date of exemption approval:
  - A) for major medical equipment, the project has been completed and the equipment is in operation;
  - B) for change of ownership, the project has been completed and a new license has been issued (or if licensing is not applicable certification has been obtained), or a stock transfer has been accomplished, or a majority change in voting membership or sponsorship of a not-for-profit corporation has been accomplished, or the transfer of assets

## HEALTH FACILITIES PLANNING BOARD

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- C) has occurred, or the merger or consolidation has been accomplished, whichever is applicable;
- D) for combined facility licensing, the project has been completed and a license has been issued for the combined facility;
- E) for demonstration programs, the project has been completed and the facility has received approval to participate in the demonstration program;
- F) for acquisition of equipment by or on behalf of a health care facility, the project has been initiated;
- G) for the addition of dialysis stations to existing facilities, the project has been initiated;
- H) for the establishment of a chronic renal dialysis service on a limited basis, the project has been completed and the facility has received certification as a provider of dialysis services;
- I) for a proposed project limited in scope to certain types of construction or modification as specified in Subpart E, the project has been initiated;
- J) for a proposed project limited in scope to complying with life safety code requirements, the project has been initiated;
- K) for a proposed project limited to the establishment or expansion of a neonatal intensive care service or beds as specified in Subpart E, the project has been initiated;
- L) for a proposed project limited to the voluntary discontinuation of a category of service as specified in Subpart E, the service has been discontinued.

## b) Reporting Requirements

The exemption holder must provide the following as applicable:

- 1) notice to the State Board of any material change to a project by submitting proof of publication of a legal notice in a newspaper of general circulation that contains the following information:
    - A) name and address of exemption holder;
    - B) description of the proposed project including facility name and location;
    - C) a statement that the project received exemption approval from the State Board and date of such approval;
    - D) description of the proposed change;
    - E) name, title, address and phone number of an individual from whom interested parties may obtain information on the proposed project.
- BOARD NOTE: Professional and trade association publications that are intended to serve a defined population are not considered newspapers of general circulation for purposes of this subsection (b)(1).
- 2) proof of due diligence by submitting to the State Board a written certification signed by an authorized representative no later

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than 10 business days after the one year anniversary date of exemption issuance that attests to complying with the applicable provision of subsection (a).

- 3) when required, a final cost report to the Agency no later than 60 days following the project completion date.

BOARD NOTE: Failure to provide the required documentation within the prescribed time frames shall subject the exemption holder to the sanctions provided by the Act.

## c) Invalidity or Expiration of an Exemption

Exemptions that have not proceeded with due diligence will expire and be null and void if the requirements of subsection (a) have not been met. An increase in the proposed project cost contained in the application for exemption of 10% or more and, in the case of a change of ownership of a governmental or not-for-profit facility or of a proprietary hospital, a decrease in the project cost of 10% or more invalidates the exemption.

- a) Approval to undertake a transaction that is exempt from review shall be valid for 12 months from the date the exemption application was approved. An exemption transaction for which the exemption approval was issued must be completed or obligated within this 12-month period. The approval for an exempted transaction that is not obligated or completed within this 12-month period will expire on the one-year anniversary date after the exemption application's approval. The exemption holder must provide documentation for the Executive Secretary of completion or obligation of the transaction no later than 10 business days from the exemption approval expiration date. Documentation of obligation or completion shall consist of the following as applicable:

- 1) for change of ownership the effective date that the transaction was completed, by providing evidence of the date of issuance of a new license or certification (if licensing is not applicable) or evidence of the effective date of a stock transfer or evidence of the effective date of a majority change in voting membership or sponsorship of a not-for-profit corporation or evidence of the effective date of a transfer of assets, or evidence of the effective date of a merger or consolidation or evidence of the date of any other means of completion
- for major medical equipment, the effective date that the equipment became operational
- 3) for combined facility licensing, the date of the issuance of a new license
- 4) for demonstration programs, the date of approval to participate in the demonstration program
- 5) for acquisition of equipment by or on behalf of a health care facility, the date the project was obligated
- 6) for the addition of dialysis stations to existing facilities, the date the project was obligated.

AGENCY NOTES: Failure to provide the required notification of

obligation or completion to the Executive Secretary no later than 10 business days following the exemption expiration date shall subject the exemption holder to the sanctions provided by the Act.

## d) Existing Facility Status

An exemption for a change of ownership of a health care facility shall be invalid if the health care facility ceases to be an existing health care facility as defined in Section 1130.140.

## e) Unauthorized Modification

Failure to comply with any conditions and/or certifications required for an exemption shall constitute an unauthorized modification to the exemption and shall subject the person to the penalties provided by the Act.

## f) Failure to Obtain Exemption

Any person failing to obtain an exemption or permit when required shall be subject to the sanctions provided by the Act.

## g) Transfer of Exemption

An exemption is not transferable or assignable and cannot be bought or sold on its own or as part of any other transaction. An exemption for a project that has been initiated and is in compliance with the provisions of this Section will not be considered transferred in the case of an existing health care facility change of ownership that has met the exemption requirements of this Subpart.

BOARD AGENDA NOTE: See Section 1130.520 regarding changes of ownership for facilities with outstanding permits.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Permit Application Fees2) Code Citation: 77 Ill. Adm. Code 11903) Section Numbers: Proposed Action:

1190.10 Amendment

1190.20 Amendment

1190.60 Amendment

1190.80 Repeal

1190.90 Repeal

4) Statutory Authority: 20 ILCS 960 Illinois Health Facilities Planning Act

5) A Complete Description of the Subjects and Issues Involved: Changes are proposed to Sections 1190.10 and 1190.20 to clarify existing language. Changes to Section 1190.60 are proposed to be consistent with the recently adopted changes regarding obligation of projects under 77 Ill. Adm. Code 1130.720. The repeal of Sections 1190.80 and 1190.90 is proposed since application processing fees for exemptions is proposed to be incorporated into the applicable Sections of Part 1130.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No7) Does this rulemaking contain an automatic repeal date? No8) Does this rulemaking contain incorporations by reference? No9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: The purpose of the Health Facilities Planning Act is to contain health care costs by preventing unnecessary construction or modification of health care facilities and to improve the "ability of the public to obtain necessary health services" and "reestablish an orderly and comprehensive health care delivery system which will guarantee the availability of quality health care to the general public." Section 12.1 of the Act provides for the charging and collection of application processing fees. Funds collected are used for the expenses of administering the Act. Application processing fees have been utilized to fund all direct program costs. No General Revenue Funds are utilized for direct administrative expenses.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking by writing within 45 days after this issue of the *Illinois Register* to:

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Donald Jones

Illinois Health Facilities Planning Board

Illinois Department of Public Health

525 West Jefferson Street, Second Floor

Springfield, Illinois 62761-0001

(217) 782-3516

(217) 785-4308 (fax)

800-547-0466 (TTY) - for hearing impaired only)

E-mail: djones@idph.state.il.us

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

A public hearing will be held on Wednesday, May 31, 2000, at 3:30 p.m. at the Executive Plaza Hotel, 71 East Wacker Drive, Chicago, Illinois. The hearing will be for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the State Board will follow these procedures in the conduct of the hearing:

1) Each person presenting oral testimony is requested to provide to the State Board a written (preferably typed) copy of such testimony at the time the oral testimony is presented.

2) No person will be recognized to speak for a second time until all persons wishing to testify have done so. The State Board may limit the time the hearing is open and limit the time of individual testimony based upon the number of persons wishing to testify. All testimony shall conclude at the specified time except that an individual in the midst of presenting testimony shall be allowed to complete his/her testimony.

3) In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the State Board may impose such other rules of procedure, including the order of call of witnesses, as necessary.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Donald Jones at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

## HEALTH FACILITIES PLANNING BOARD

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A) Types of small businesses, small municipalities and not for profit corporations affected: Health care facilities that meet the definition of small business or not for profit corporation.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Amendments begin on the next page:

## HEALTH FACILITIES PLANNING BOARD

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TITLE 71: PUBLIC HEALTH  
CHAPTER II: HEALTH FACILITIES  
PLANNING BOARD

SUBCHAPTER b: OTHER BOARD RULES

## PART 1190

## PERMIT APPLICATION FEES

Section	
1190.10	Statutory Authority and Public Hearings
1190.20	Initial Fee Deposit
1190.25	Fee Payment
1190.30	Assessment of Fees
1190.40	Total Estimated Cost of the Project
1190.50	Fees Related to Modification of an Application or Alteration of a Permit
1190.60	<del>Obtigation-Requirements-and</del> Cost Overrun
1190.70	Permit Renewal or Extension
1190.80	Applications for Exemptions Other than Major Medical Equipment (Repealed)
1190.90	Applications for Exemption of Major Medical Equipment (Repealed)

AUTHORITY: Implementing and authorized by Section 12(8) of the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Filed June 21, 1976; amended at 5 Ill. Reg. 4999, effective April 22, 1981; amended at 6 Ill. Reg. 11624, effective September 9, 1982; amended at 7 Ill. Reg. 6969, effective May 13, 1983; codified at 8 Ill. Reg. 12436; amended at 12 Ill. Reg. 10314, effective June 7, 1988; amended at 14 Ill. Reg. 3550, effective May 1, 1990; recodified at 20 Ill. Reg. 2598; amended at 21 Ill. Reg. 399, effective January 1, 1997; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

AGENCY NOTE: "The Illinois Department of Public Health does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its programs and activities in compliance with Section 504 of the Rehabilitation Act of 1973, as amended. The Equal Employment Opportunity Officer is responsible for coordination of compliance efforts and is available by phone at: Voice (217) 785-2034; TDD (217) 785-2088."

## Section 1190.10 Statutory Authority and Public Hearings

- a) This Part is prepared and promulgated by authority granted to the Illinois Department of Public Health (Agency) and to the Illinois Health Facilities Planning Board (State Board) under Section 12.1 of the Illinois Health Facilities Planning Act (the Act) [20 ILCS 3960/12.2(2)(i)-(j)] which provides that the State Agency shall charge and collect an amount determined by the State Board to be reasonable

## HEALTH FACILITIES PLANNING BOARD

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application fees for the processing of the applications by the State Board, the Agency and the appropriate recognized statewide health planning organization. The State Board shall set the amounts by rule. All fees and fines collected under the provisions of the Act shall be deposited into the Illinois Health Facilities Planning Fund to be used for the expenses of administering the Act.

- b) Public hearings on this Part were held in accordance with the provisions of Section 12 of the Act. The Executive Secretary maintains a record of the public hearings. Public hearings and copies of the records are available for public inspection at the official headquarters of the State Board at 525-535 West Jefferson Street, Springfield, Illinois 62761.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1190.20 Initial Fee Deposit

An initial fee deposit of \$700 must accompany each application for permit submitted to the State Board unless the project is not subject to a fee pursuant to Section 1190.30(b). No application for permit shall be deemed complete (as per the provisions of 77 Ill. Adm. Code 1130) until this initial fee deposit is paid. Upon the application being deemed complete, the Executive Secretary shall then review the total estimated cost of the project in order to determine the full amount of the fee to be paid. If any additional balance is due, the applicant shall be advised in writing and is expected to make payment of the balance of the fee within 30 days after of the receipt of the notice of amount due. The State Board will not place any reviewed application on its docket for action until payment of the full fee due has been received and no permit shall be approved or issued on any application for permit on which the correct fee amount has not been paid. Applications shall be declared null and void if the total application fee has not been paid within 30 days after receipt of the completion notice.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1190.60 Obligation-Requirements and Cost Overrun

- e) A person holding a permit approved under the requirements of Part 1190 must receive an authorization to obligate (per Section 1190.30) prior to obligation of the project. If the total estimated cost of the project at the time of review for authorization exceeds the permit amount, the application processing fee shall be recalculated on the basis of the revised estimated cost. If at the time of the review the permit holder also proposes an alteration of the project which requires State Board review, the processing fee shall be assessed in accordance with the provision of Section 1190.50(b) Alterations.

## HEALTH FACILITIES PLANNING BOARD

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- b) Permit holders who have obligated the project prior to receipt of an authorization to obligate shall be assessed a processing fee of the greater of \$500 or 1/2 of one percent of the project cost in excess of that approved by permit. This fee must be submitted prior to State Board review of the authorization request.

Any project costs which exceed the originally approved permit amount by more than ten percent or which exceed a revised permit amount approved by the State Board pursuant to the alteration provisions of Part 1130 are cost overruns and are without permit unless subsequently approved by the State Board. Processing fees for review of any cost overruns shall be assessed in accordance with the provision of Section 1190.50(b) Alterations.

AGENCY NOTE: Payment of the processing fee shall not preclude the State Board from pursuing the sanction available under the Act or pursuing other available remedies for failure of the permit holder to comply with the provisions of Part 1130.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1190.80 Applications for Exemptions Other than Major Medical Equipment (Repealed)

Persons submitting applications for exemptions for transactions other than the acquisition of major medical equipment shall be assessed an application fee of \$700 for the processing of the application. The Chairman of the State Board will not place any application for exemption on its docket for action not take any action until all required fees have been submitted.

(Source: Repealed at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 1190.90 Applications for Exemption of Major Medical Equipment (Repealed)

Persons submitting applications for exemption for the acquisition of major medical equipment shall be assessed an application fee of the greater of \$1000 or 1/2 percent of the total estimated cost of the transaction (calculated as per Section 1190.40). The application fee must accompany each application for exemption. The Chairman of the State Board will not place any application for exemption on its docket for action not take any action until all required fees have been submitted.

(Source: Repealed at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting

- 2) Code Citation: 17 Ill. Adm. Code 530

- 3) Section Numbers: Proposed Action:

530.10 Amendment  
530.70 Amendment  
530.80 Amendment  
530.90 Amendment  
530.100 Amendment  
530.105 Amendment  
530.110 Amendment

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add regulations for holders of Standing Vehicle Permits. update hunting to comply with the 2000 hunting season, clarify regulations concerning non-hunters allowed in the field, add site regulations, and add, change and delete sites.

- 6) Will this rulemaking replace any emergency amendment currently in effect?  
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price  
Department of Natural Resources  
524 S. Second Street  
Springfield IL 62701-1787  
217/782-1809

## DEPARTMENT OF NATURAL RESOURCES

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- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance:  
None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rule was summarized: January 2000

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFE

## PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL,  
AND RABBIT HUNTING

Section	Statewide General Regulations
530.10	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations (Repealed)
530.20	Statewide Hungarian Partridge Regulations (Repealed)
530.30	Statewide Bobwhite Quail Regulations (Repealed)
530.40	Statewide Rabbit Regulations (Repealed)
530.50	Statewide Crow Regulations (Repealed)
530.60	Statewide Pheasant Hunting Sites Permit Requirements
530.70	Controlled Pheasant Hunting Regulations
530.80	Controlled Pheasant Hunting Sites Permit Requirements
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements
530.100	Illinois Youth Pheasant Hunting Regulations
530.105	Regulations for Pee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
530.110	Regulations for Non-Pee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10446, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990,

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for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 901, effective July 28, 1999; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 530.10 Statewide General Regulations

a) Game breeding and hunting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code [520 ILCS 5/3.27] and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/3.28 and 3.29] are exempt from all provisions in this Part except for those pertaining to rabbit and crow in Section 530.20, and 530.60, and the provisions of Section 530.10(b) pertaining to holders of Standing Vehicle Permits.

b) Holders of Standing Vehicle Permits issued by the Department pursuant to Section 2.33 of the Wildlife Code [520 ILCS 5/2.33] shall be permitted to carry a loaded and uncased shotgun in or on a vehicle or conveyance under the following conditions:

- 1) the permittee must be in the field legally hunting pheasant, quail, Hungarian partridge or rabbit;
- 2) the shotgun's mechanical safety must be functioning and engaged while the vehicle or conveyance is moving;
- 3) the vehicle or conveyance must be operated by a responsible person other than the permittee;
- 4) the permittee, the vehicle or conveyance operator, and any other persons in the hunting party must wear a blaze orange cap;
- 5) the vehicle must be operated at a normal walk speed of no greater than 5 mph; and
- 6) The vehicle or conveyance must be constructed so:
  - A) it puts the permittee forward of the vehicle operator; and
  - B) the permittee is in a securely fastened chair or seat.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 530.70 Controlled Pheasant Hunting Sites Permit Requirements

a) Applicants must contact the Department of Natural Resources

## DEPARTMENT OF NATURAL RESOURCES

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(Department or DNR) to obtain a permit reservation. (However, for Wayne Fitzgerald, Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Chain O'Lakes State Park, applicants must contact the concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DNR.) Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed.

b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

c) For all DNR operated sites except Jim Edgar Panther Creek State Fish and Wildlife Area ~~Site-M~~ and Sand Ridge the permit authorizes the permit holder to bring one hunting partner. (The hunting partner cannot hunt without the permit holder being present to hunt.) At Jim Edgar Panther Creek State Fish and Wildlife Area ~~Site-M~~ and Sand Ridge the permit is valid for the permit holder only. The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. For all DNR operated sites except ~~Site-M~~ Sand Ridge and Wayne Fitzgerald, permits cannot be transferred on the hunting areas. The fee for transferred permits cannot exceed the fee in the Wildlife Code for daily usage stamps for Public Hunting Grounds for pheasants. For other information write to:

Illinois Department of Natural Resources  
Pheasant  
524 South Second St., Room 210  
P.O. Box 19457  
Springfield, Illinois 62794-9457

d) Reservations for pheasant hunting will be issued from the Springfield Permit Office for Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area and Moraine View State Park.

e) At Jim Edgar Panther Creek State Fish and Wildlife Area ~~Site-M~~ and Sand Ridge reservations for the controlled hunting area will be issued from the site headquarters.

f) The Department will operate a conveyance for disabled hunters possessing a current Standing Vehicle Permit at some controlled pheasant hunting sites. Reservations for this conveyance must be made at least 7 days in advance, and shall be on a first-come, first-served basis. Sites where the conveyance will be available as well as dates

## DEPARTMENT OF NATURAL RESOURCES

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of operation shall be publicly announced.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 530.80 Controlled Pheasant Hunting Regulations

a) The controlled hunting season is the first Wednesday of November through the next following December 31 ~~January-3~~, both dates inclusive, with the following exceptions:

1) All areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 25. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday and Tuesday on DNR operated areas.

2) All areas are open to the Illinois Youth Pheasant Hunting Program only on November 5<sup>th</sup> (except at the Richland County Controlled Pheasant Hunting Area where the Illinois Youth Pheasant Hunt will be November 19<sup>th</sup> and except at Silver Springs and Ramsey Lake where a Youth Pheasant Hunting Program will not be held).

3) The controlled hunting season on the Des Plaines Conservation Area is closed during the November 3-day firearm deer season.

4) The controlled hunting season on Lee County Conservation Area (Green River), Silver Springs State Park, Horseshoe Lake State Park (Madison County), Chain O'Lakes State Park and Ramsey Lake State Park will be publicly announced.

5) The controlled hunting season on the Jim Edgar Panther Creek State Fish and Wildlife Area ~~Site-M~~ Controlled Unit is the first Saturday in November through the next following January 14<sup>th</sup>, except closed to controlled hunting during on the November and ~~firearm-deer-season-and-on-Wednesday-through-Sunday-during-the~~ December firearm deer seasons.

6) The controlled hunting season on the Iroquois County Conservation Area is the first Wednesday of November through the next following December 31<sup>st</sup>, except closed during the November 3-day firearm deer season.

7) The controlled hunting season on Sand Ridge State Forest is the first Saturday of November through the next following January 14<sup>th</sup>.

b) Hunting hours are from 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Sand Ridge). Hunters with reservations are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (except at Jim Edgar Panther Creek State Fish and Wildlife Area ~~Site-M~~ Controlled Unit, Silver Springs, Horseshoe Lake State Park (Madison County), Ramsey Lake and Sand Ridge where hunters are required to check in between 8:00 a.m. and 8:30 a.m.). Reservations are void after 8:00 a.m. (except at Jim Edgar Panther Creek State Fish and Wildlife Area ~~Site-M~~, Sand Ridge and

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Wayne Fitzgerald where reservations are void after 12:00 noon).

c) When daily quotas are not filled, permits shall be issued on a first come-first served basis until 12:00 Noon, except for Standing Vehicle Permits wishing to hunt from the Department disabled conveyance.

d) Hunting licenses, daily usage stamps and fees:

- 1) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

2) At the Iroquois County Conservation Area hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day hunters under 16 are not required to obtain a stamp.

3) At the Des Plaines Conservation Area, Jim Edgar Panther Creek, Moraine View State Park, State-Wy Egon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge, hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day and the Saturday between Christmas Day and New Years Day December 26 hunters under 16 are not required to obtain a stamp.

4) Fees and methods of payment at the following sites will be publicly announced:

Chain O'Lakes State Park

Horseshoe Lake State Park (Madison County)

Lee-County-Conservation-Area

Ramsey Lake State Park

Silver Springs State Park

e) Hunters must wear a back patch issued by the check station.

f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.

g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin, or smaller may be used except at Wayne Fitzgerald State Park and Egon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.

h) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by

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the Department shall be allowed in the field, and except for operators of Department conveyances of Standing Vehicle Permits and single dog handler for the Permittee).

i) Hunters under 16 years of age must be accompanied by an adult hunter.

j) Daily limits:

- 1) Two pheasants of either sex at Egon Hazlet State Park, Iroquois County Conservation Area, Wayne Fitzgerald State Park, and the Des Plaines Conservation Area.
- 2) Two pheasants of either sex, 8 bobwhite quail and 4 rabbits at Sand Ridge.
- 3) Two cock pheasants, 8 bobwhite quail (first ten days of the season only) and 4 rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area State-W.

4) Four cock pheasants at Silver Springs State Park.

5) Four pheasants of either sex (except that on the first test day of fee hunting, each hunter will be allowed to harvest 4 quail and 2 rabbits in addition to 4 pheasants) at Horseshoe Lake State Park (Madison County).

6) Four pheasants of either sex, 8 bobwhite quail and 4 rabbits at Ramsey Lake State Park.

7) The daily limit at Chain O'Lakes State Park will be publicly announced.

8) Two cock pheasants at Moraine View State Park and Lee County Conservation Area (Green River).

k) Tagging of birds.

All pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

l) Hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.

m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ICS 5/2-33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ICS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days after the citation by written request addressed to Legal Division, Department of Natural Resources, 524 South Second Street, Springfield IL 62701-1787. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 230.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements

a) Applicants must contact the Department to obtain a permit reservation.

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**Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.**

b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

c) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates of hunters' names. Permits cannot be transferred on the hunting areas. For other information ~~(except Sangchris Lake and Edward R. Madigan State Park)~~ write to:

Illinois Department of Natural Resources

Pheasant

524 South 2nd Street, Room 210

P.O. Box 19457

Springfield, Illinois 62794-9457

d) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Moraine View State Recreation Park, Wayne Fitzgerald (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangchris Lake State Park and Jim Edgar Panther Creek State Fish and Wildlife Area Site-M (Controlled Area).

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 530.100 Illinois Youth Pheasant Hunting Regulations

a) The Illinois Youth Pheasant Hunt will be November 5, 2007-1999, except at the Richland County Controlled Pheasant Hunting Area where the hunt will be November 1991 and at Mackinaw River State Fish & Wildlife Area where the hunt will be the Saturday preceding the opening of the statewide upland game season.

b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with

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reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 10:00 a.m. and 10:30 a.m. at Sangchris Lake State Park).

c) All hunters must be between the ages of 10 and 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Edward R. Madigan State Park.

d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification Card (FOIC), the supervisory adult is required to have a valid FOIC Card. Only one supervisory adult in a hunting party is required to have a valid FOIC Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOIC Card.

e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must wear a blaze patch issued by the check station.

f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.

g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth or No. 3 steel or tin or smaller may be used, except at Wayne Fitzgerald State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of No. 3 steel or tin, No. 4 bismuth, No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.

h) Daily limit.

1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Horseshoe Lake State Park (Madison County) and Sand Ridge State Forest.

2) Two cock pheasants only at the Moraine View State Park, Mackinaw River State Fish and Wildlife Area and Chain O'Lakes State Park.

3) Statewide Limits: Sangchris Lake State Park, Edward R. Madigan State Park and Jim Edgar Panther Creek State Fish and Wildlife Area Site-M (Controlled Area).

i) All pheasants must be affixed with a Department tag before they are removed from the area (except Sangchris Lake, Edward R. Madigan State Park and Mackinaw River State Fish and Wildlife Area). The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.



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(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 530.105. Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and trapping apply in this Section, unless this Section is more restrictive.
- b) All areas are closed to fee upland game hunting Mondays and Tuesday, Christmas Day and New Year's Day. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday or Tuesday on DNR operated areas.
- c) Hunting hours are 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park).
- d) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin, or smaller may be used, except at Johnson-Sauk Trail State Park where only non-toxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix, or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- e) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- f) Hunter quota selection, daily usage stamp requirements and exemptions and hunter age requirements:
  - 1) A drawing shall be held at the site for hunter quotas.
  - 2) A daily usage stamp is required prior to hunting opening date through the day following the final game bird release.
  - 3) Hunters under 16 are not required to obtain a daily usage stamp at Johnson-Sauk Trail State Park, Kankakee River State Park and the Washington County Conservation Area on the Sunday following Thanksgiving Day and on the Saturday between Christmas Day and New Year's day December-26.
  - 4) Hunters under 16 years of age must be accompanied by an adult hunter.
  - 5) At the Richland County Controlled Pheasant Hunting Area a daily usage stamp is not required. Fees and methods of payment at this site will be publicly announced.
- g) When daily quotas are not filled, hunters are allowed to check in on a first come-first served basis until 12:00 noon.
- h) The Department shall publicly announce the registration time and quota to be filled.
- i) Hunters are required to deposit their hunting license in the check

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station while hunting. Persons exempt by law from having a hunting license must deposit their firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

- j) A back patch issued at the check station must be worn while hunting.
- k) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field).
- l) Hunters must not leave the site without first checking out.
- m) Daily Limit:
  - Pheasant - 2 (either sex may be harvested)
  - Bobwhite Quail - 8
  - Hungarian Partridge - 2
  - Rabbit - 4

Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

#### Johnson-Sauk Trail State Park

Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours; quail shall not be harvested)

Richland County Controlled Pheasant Hunting Area (the controlled pheasant hunting season will be publicly announced; daily limit 4 pheasants of either sex only)

#### Washington County Conservation Area

- o) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Natural Resources, 524 South Second Street, Springfield IL 62701-1787. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

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## a) General Site Regulations

- 1) All regulations in 17 Ill. Adm. Code 510 -- General Hunting and Trapping -- apply in this Section, unless this Section is more restrictive.
- 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
- 3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
- 4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size No. 3 steel or No. 5 bismuth shot or smaller may be used or possessed with a shot size of No. 3 steel or tin, No. 4 bismuth, No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
- 5) Site specific rules or exceptions are noted in parentheses after each site.

## b) Site Specific Regulations

- 1) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (1)

Apple River Canyon State Park -- Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)

Argyle Lake State Park (closed during firearm deer season) (1)

Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (closed during firearm deer season) (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters (Corps of Engineers Managed Land)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Chain O'Lakes State Park (open Wednesday after controlled pheasant hunting season for 5 consecutive days, closed December 25; hunting hours 8 a.m. - 4 p.m.) (1)

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Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Dog Island Wildlife Management Area (1)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Fern Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Giant City State Park (1)

Hamilton County Conservation Area (8:00 a.m. - 4:00 p.m.) (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area, except Controlled Hunting Area) (1)

I-24 Wildlife Management Area (1)

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mackinaw River Fish and Wildlife Area (closed during firearm deer season; pheasant and quail close the Sunday after Thanksgiving) (1)

Marseilles Wildlife (closed during the site's firearm deer season) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season)

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season; the site is closed Mondays, Tuesday, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Oakford Conservation Area

Panther Creek Conservation Area (1)

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesday during the fee pheasant season) (1)

Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area)(1)

Red Hills State Park (8:00 a.m. - 4:00 p.m.) (1)

Rend Lake Project Lands and Waters

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest Natural Area (1)

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Snake Den Hollow Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest

Witkowski State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

Jim Edgar Panther Creek State Fish and Wildlife Area (Open unit)

Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)



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**Management Area** (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners)

**Manito Habitat Area** (open only November 4, 5, 8, 11, 15, 18, 22, 25, 29 and December 3, 7, 10, 14, 17, 21, 24 November-67-77-197-137-177-207-247-27-and-December-27-57-97-127-167-197-227-24; each permit authorizes the holder to bring three hunting partners)

**Maytown Habitat Area** (open only November 4, 5, 8, 11, 15, 18, 22, 25, 29 and December 3, 7, 10, 14, 17, 21, 24 November-67-137-177-207-247-27-and-December-27-57-97-127-167-197-227-24; each permit authorizes the holder to bring 3 hunting partners)

**Perdueville Habitat Area** (open only November 4, 5, 8, 11, 15, 18, 22, 25, 29 and December 3, 7, 10, 14, 17, 21, 24 November-67-77-137-177-207-247-27-and-December-27-57-97-127-167-197-227-24; each permit authorizes the holder to bring 3 hunting partners)

**Sand Prairie Habitat Area** (open only November 4, 5, 8, 11, 15, 18, 22, 25, 29 and December 3, 7, 10, 14, 17, 21, 24 November-67-77-137-177-207-247-27-and-December-27-57-97-127-167-197-227-24; each permit authorizes the holder to bring 5 hunting partners)

**Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area Mud-Turtle--State--Natural--Area)** (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season; each permit authorizes holder to bring 3 hunting partners)

**Sangchris Lake State Park** (open every Wednesday and Saturday in November and December after the opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 1 p.m. to sunset; check in required before hunting; December dates are for rabbits only)

**Sato Field** (open only November 4, 8, 11, 16, 20, 23, 26, 29 and December 4, 7, 12, 15, 17, 21, 24, 28 and January 3, 6, 9, 13 November-67-107-137-177-207-247-27-and-December-27-57-97-127-167-197-227-24; each permit authorizes the holder to bring 3 hunting partners)

**Saybrook Habitat Area (McLean County)** (open only November 4, 5, 8, 11, 15, 18, 22, 25, 29 and December 3, 7, 10, 14, 17, 21, 24 November-67-77-107-137-177-207-247-27-and-December-27-57-97-127-167-197-227-24; each permit authorizes the holder to bring 3 hunting partners)

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**167-197-227-24;** each permit authorizes the holder to bring 3 hunting partners)

**Site-M-(Quail-Management-Area)-open-every-Tuesday--and-Saturday-in-November--December--and-January-starting-with-opening-day-of-upland-game-season-except-during-firearm-deer-season-and-December-24-and-27;** each permit authorizes the holder to bring 3 hunting partners)

**Steward Habitat Area** (open only November 4, 5, 8, 11, 15, 18, 22, 25, 29 and December 3, 7, 10, 14, 17, 21, 24 November-67-77-197-137-177-207-247-27-and-December-27-57-97-127-167-197-227-24; each permit authorizes the holder to bring 3 hunting partners)

**Victoria Habitat Area** (open only November 4, 5, 8, 11, 15, 18, 22, 25, 29 and December 3, 7, 10, 14, 17, 21, 24 November-67-77-137-177-207-247-27-and-December-27-57-97-127-167-197-227-24; each permit authorizes the holder to bring 5 hunting partners)

**Wolf Creek State Park** (open only November 4, 5, 8, 11, 15, 22, 25, 29 and December 7, 10, 14, 17, 21, 24 November-67-77-137-177-247-27-and-December-97-127-167-197-227-24; each permit authorizes holder to bring 3 hunting partners)

4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m. - 4:00 p.m.; hunting dates are noted in parentheses:

**Des Plaines Conservation Area** (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesday and Christmas) (1)

**Eldon Hazlet State Park** (controlled pheasant hunting area and for 5 consecutive days only) (1)

**Iroquois County Wildlife Management Area** (open Wednesday through Sunday following permit pheasant season) (1)

**Johnson-Sauk Trail State Park** (open Wednesday through Sunday following permit pheasant season) (2)

**Kankakee River State Park** (no quail hunting)

**Washington County Conservation Area** (1)

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF PROPOSED AMENDMENTS

\_\_\_\_\_ )

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Access to Information of the Illinois Racing Board
- 2) Code Citation: 2 Ill. Adm. Code 2251
- 3) Section Numbers:
- |         |        |
|---------|--------|
| 2251.10 | Repeal |
| 2251.20 | Repeal |
| 2251.30 | Repeal |
| 2251.40 | Repeal |
| 2251.50 | Repeal |
| 2251.55 | Repeal |
| 2251.60 | Repeal |
| 2251.65 | Repeal |
| 2251.70 | Repeal |
| 2251.75 | Repeal |
| 2251.78 | Repeal |
- APPENDIX A  
APPENDIX B
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is part of a large project to re-organize the Board's rules. The Sections being repealed in this proposal can be found slightly modified in the proposed Part 200.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312) 814-5017

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

## 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Repealer begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE B: MISCELLANEOUS STATE AGENCIES  
CHAPTER XXXI: ILLINOIS RACING BOARD

## PART 2251

ACCESS TO INFORMATION OF THE ILLINOIS RACING BOARD (REPEALED)

## SUBPART A: INTRODUCTION

Section  
2251.10 Summary and Purpose  
2251.20 Definitions

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC INFORMATION

Section  
2251.30 Person to Whom Requests are Submitted  
2251.40 Form and Content of Requests

## SUBPART C: PROCEDURES FOR BOARD RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section  
2251.50 Timeline for Board Response  
2251.55 Types of Board Responses

## SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section  
2251.60 Appeal of a Denial  
2251.65 Chairman's Response to Appeal

## SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section  
2251.70 Inspection of Records at Board Office  
2251.75 Copies of Public Records  
2251.78 General Materials Available from the Freedom of Information Officer

## APPENDIX A Request for Public Records

## APPENDIX B Fee Schedule for Duplication of Public Records

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 9 Ill. Reg. 7168, effective May 2, 1985; repealed at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

## SUBPART A: INTRODUCTION

**Section 2251.10 Summary and Purpose**

- a) These rules are established to implement the provisions of the Freedom of Information Act (P.A. 83-1013, effective July 1, 1984, Ill. Rev. Stat. 1984 Supp., ch. 116, par. 201 et seq.). The purpose of these rules is to support the policy of providing public access to the public records in the possession of the Board while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) These rules create a procedure by which the public may request and obtain public records. Therefore, they are being filed in accordance with Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983, ch. 127, par. 1004.01).

**Section 2251.20 Definitions**

Terms used in these rules shall have the same meaning as in the Freedom of Information Act.

"FOIA" means the Freedom of Information Act.

"Freedom of Information Officer" means an individual responsible for receiving and responding to requests for public records.

"Requestor" means a person who submits a request for public records in accordance with these rules.

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC INFORMATION

**Section 2251.30 Person to Whom Requests are Submitted**

Requests for public records shall be submitted to the Freedom of Information Officer of the Board. Requests shall be submitted to:

Freedom of Information Officer  
Illinois Racing Board  
State of Illinois Center at Chicago  
100 West Randolph Street  
Suite 111-100  
Chicago, Illinois 60601

**Section 2251.40 Form and Content of Requests**

- a) Requests in accordance with the FOIA and these rules shall be made in writing. Such requests may be submitted on FOIA request forms provided by the Board. (See Appendix A to these rules).
- b) Oral requests will be handled expeditiously. However, the required

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- response time and the appeal procedures contained in the FOIA and these rules do not apply to oral requests.
- c) The requestor shall provide the following information in a request for public records:

- 1) The requestor's full name, address and phone number.
- 2) A brief description of the public records sought, being as specific as possible.
- 3) Whether the request is for inspection of public records, copies of public records, or both.

## SUBPART C: PROCEDURES FOR BOARD RESPONSE TO REQUESTS FOR PUBLIC RECORDS

**Section 2251.50 Timeline for Board Response**

- a) The Board shall respond to a written request for public records within 7 working days after the receipt of such request.
- b) The Board may give notice of an extension of time to respond which does not exceed an additional seven working days. Such an extension is allowable only if written notice is provided within the original seven working day time limit and only for the reasons provided in Section 3(d) of the FOIA. Such notice of extension shall state the reasons why the extension is necessary.

**Section 2251.55 Types of Board Responses**

- a) The Board shall respond to a request for public records in one of three ways:

- 1) Approve the request.
  - 2) Approve in part and deny in part.
  - 3) Deny the request.
- b) Upon approval of a request for public records, the Board may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.
  - c) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to appeal to the Chairman of the Board.
  - d) Categorical request creating an undue burden upon the Board shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of the FOIA.
  - e) Failure to respond to a written request within seven working days may be considered by the requestor a denial of the request.

## SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

**Section 2251.60 Appeal of a Denial**

- a) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to the Chairman of the Board. The notice of appeal shall be made in writing and sent to: Chairman  
State of Illinois Center at Chicago  
100 West Randolph Street  
Suite 11-100  
Chicago, Illinois 60601

ATTN: FOIA Request

- b) The notice of appeal shall include a copy of the original request, a copy of the denial received the requestor, and a statement of the reasons why the appeal should be granted.

**Section 2251.65 Chairman's Response to Appeal**

The Chairman shall respond to an appeal within seven working days after receiving notice thereof. The Chairman shall either affirm the denial or provide access to the requested public records. Failure to respond within seven working days may be considered by the requestor an affirmation of the denial.

## SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

**Section 2251.70 Inspection of Records at Board Office**

- a) Generally, public records will be made available for inspection during normal working hours of the Board at the office of the Freedom of Information Officer.
- b) Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by Board employees.
- c) Unless otherwise arranged, the inspection of records shall take place at the office of the Freedom of Information Officer. For purposes of convenience, either the Board or the requestor may request that inspection take place in another Board office location.
- d) An employee of the Board may be present throughout the inspection. A requestor may be prohibited from bringing bags, brief cases, or other containers into the inspection room.

**Section 2251.75 Copies of Public Records**

- a) Copies of public records shall be provided to the requestor only upon payment of any charges which are due.
- b) Charges for copies of public records shall be assessed in accordance with the "Fee Schedule for Duplication of Public Records" attached as

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

**Section 2251.78 General Materials Available from the Freedom of Information Officer**

Appendix B to these rules.

- c) Charges for postage, if any, shall be the actual cost of such postage.
- d) Charges shall be waived if the requestor is a State agency, a constitutional officer, or a member of the General Assembly. Charges shall be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest because the furnishing of such information primarily serves the general public.

The Freedom of Information Officer shall make available to the public at no charge the following materials:

- a) A brief description of the organizational structure and budget of the Board;
- b) A brief description of the means for requesting information and public records; and
- c) A list of types and categories of public records maintained by the Board.
- d) An individual chapter of the Board's rules.
- e) A current Annual Report of the Board.

ILLINOIS RACING BOARD  
NOTICE OF PROPOSED REPEALER

Section 2251.APPENDIX A Request for Public Records

TO: FOI Officer  
Illinois Racing Board  
State of Illinois Center at Chicago  
100 West Randolph Street  
Suite 11-100  
Chicago, Illinois 60601

FROM:  
NAME  
ADDRESS

PHONE NUMBER

DESCRIPTION OF REQUESTED RECORD(S):

Please indicate if you wish to inspect the above captioned records or wish a copy of them:

Inspection Copy Both

Do you wish to have copies certified?

FOR OFFICE USE ONLY:

Date Received Date Response Due  
Notations re Oral Communications or Other Items.

ILLINOIS RACING BOARD  
NOTICE OF PROPOSED REPEALER

Section 2251.APPENDIX B Fee Schedule for Duplication of Public Records

Type of Duplication	Per Copy Charge
Paper copy from paper original (possible different charges for different sizes)	\$ .15
Paper copy from microfilm original (possibly different charges for different sizes)	.XX
Black and white film and prints (different charges for different lengths)	X.XX
Audio tape (different charges for different lengths)	X.XX
Thoroughbred Rule Book	3.50
Harness Rule Book	3.50
Combined Rule Book	3.50
Some records possess by the Board are in book or pamphlet form. A charge may be assessed for such materials based upon the cost of such materials incurred by the Board.	



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Starter Allowance Races
- 2) Code Citation: 11 Ill. Adm. Code 719
- 3) Section Numbers: Proposed Action:  
719.10 Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This amendment removes the prohibition of optional claiming races.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312) 814-5017

12) Initial Regulatory Flexibility Analysis:

- A) Types of small business affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated by the Board.

The full text of the proposed amendment begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER 1: ILLINOIS RACING BOARD  
SUBCHAPTER d: RULES APPLICABLE TO THOROUGHBRED RACING

## PART 719

~~OPTIONAL CLAIMING RACES AND STARTER ALLOWANCE RACES~~

Section 719.10 ~~Optional Claiming Races Race (Repealed)~~  
719.20 Starter Allowance Races

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

SOURCE: Adopted and codified at 7 Ill. Reg. 5228, effective April 1, 1983; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 719.10 ~~Optional Claiming Races (Repealed)~~

~~Optional claiming races are not permitted in Illinois. Optional claiming races are those restricted to horses which have been entered to be claimed for a stated price and to other horses which have started previously for that price or less but have not been entered to be claimed. However, when an optional claiming race appears in a horse's past performance, it shall be regarded as follows:~~

- a) ~~A winner of an optional claiming race when entered to be claimed will be considered the winner of a claiming race.~~
- b) ~~A winner of an optional claiming race when not entered to be claimed will be considered the winner of an allowance race.~~

(Source: Repealed at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Public Information
- 2) Code Citation: 2 Ill. Adm. Code 2251
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2251.10	New Section
2251.20	New Section
2251.30	New Section
2251.40	New Section
2251.50	New Section
2251.60	New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking re-organizes Parts 2250 and 2251 of the Illinois Racing Board's current rules into one general Part. These proposed rules contain provisions for requesting information, types of records not available for inspection, procedures for appealing a denied request for information and copy costs.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:  

Mickey Ezzo  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
312/814-5017
- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996
- The full text of the Proposed Rule begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULE

TITLE 2: GOVERNMENTAL ORGANIZATION  
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
 CHAPTER XXI: ILLINOIS RACING BOARD

## PART 2251

## PUBLIC INFORMATION

## Section

## 2251.10 General

- 2251.20 Requests for Information
- 2251.30 Responses to Requests for Information
- 2251.40 Appeal of a Denied Request
- 2251.50 Inspection of Public Records
- 2251.60 Copies of Public Records

**AUTHORITY:** Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

**SOURCE:** Adopted at 9 Ill. Reg. 7168, effective May 2, 1985; old Part repealed and new Part adopted at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2251.10 General

- a) All records required by law to be filed with the Illinois Racing Board are open for public inspection and may be examined during regular business hours at the Board's central office.
- b) All requests for information shall be directed to the Board's Freedom of Information Officer.
- c) The Freedom of Information Officer shall make available to the public at no charge the following materials:
  - 1) A brief description of the organizational structure and budget of the Board;
  - 2) A brief description of the means for requesting information and public records;
  - 3) A list of types and categories of public records maintained by the Board;
  - 4) An individual Part of the Board's rules; and
  - 5) A current Annual Report of the Board.
- d) The following records and information are not available for copying or inspection:
  - 1) Information records which are prohibited from disclosure by common law or by statute.
  - 2) Investigatory records compiled for law enforcement purposes by law enforcement agencies.
  - 3) Inter-agency or intra-agency memoranda, files or letters which would not be available by law to a party, other than one in litigation with the agency.

## ILLINOIS RACING BOARD

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- 4) Memoranda related solely to the internal personnel rules and practices of the agency.
- 5) Personnel files, or any other files, the disclosure of which would constitute an invasion of personal privacy.
- 6) Occupation license applications, unless information requests made by racing officials in this or other jurisdictions.
- 7) Copies of "management letters" from accountants to organization licensees.
- 8) Records or information which cannot be located or are known to have been destroyed or otherwise disposed of.

## Section 2251.20 Requests for Information

- a) Requests shall be made in writing. The provisions contained in this Part shall not apply to oral requests for information.
- b) The requestor shall provide the following information in a request for public records:
  - 1) The requestor's full name, address and telephone number;
  - 2) A specific description of the public records sought; and
  - 3) Whether the request is for inspection of public records, copies of public records, or both.

## Section 2251.30 Responses to Requests for Information

- a) The Board shall respond to a written request for public records within seven working days after the receipt of such request.
- b) The Board may give notice of an extension of time to respond which does not exceed an additional seven working days. Such an extension is allowable only if written notice is provided within the original seven working day time limit. Such notice of extension shall state the reasons why the extension is necessary.
- c) If the requested information or copies of the records are not readily available or it is burdensome to provide copies of the records or information, the person requesting the information will be notified as to when the records will be available or where the information may be copied.
- d) The Board shall approve, approve in part and deny in part, or deny a request for information.
- e) Upon approval of a request for public records, the Board may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.
- f) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial and notice of the requestor's right to appeal to the Chairman of the Board.
- g) A categorical request creating an undue burden upon the Board shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULE

- b) Failure to respond to a written request within seven working days may be considered by the requestor a denial of the request.

**Section 2251.40 Appeal of a Denied Request**

- a) In the event a request for information is denied, the requestor may appeal the decision to the Executive Director of the Board.
- b) The appeal shall be made in writing and shall include a copy of the original request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.
- c) The Executive Director shall respond to an appeal within seven working days after receipt of the notice of appeal. The Executive Director shall either affirm the denial or provide access to the requested public records. Failure to respond within seven working days may be considered by the requestor an affirmation of the denial.

**Section 2251.50 Inspection of Public Records**

- a) Public records will be made available for inspection during normal working hours of the Board at its central office.
- b) Documents which the requestor wishes to have copied shall be segregated during the course of the inspection.
- c) An employee of the Board may be present throughout the inspection. A requestor may be prohibited from bringing bags, brief cases, or other containers into the inspection room.

**Section 2251.60 Copies of Public Records**

- a) Copies of public records shall be provided to the requestor only upon payment of any charges which are due.
- b) Charges for copies of public records shall be assessed at the following rates:
- 1) \$.25 per page for standard copy.
  - 2) \$10 for a complete rulebook.
  - 3) Actual reproduction costs for film, videotape or audiotape.
  - 4) Actual printing or reproduction costs for any information which is in booklet or pamphlet form.
- c) Charges for postage, if any, shall be the actual cost of such postage.
- d) Charges shall be waived if the requestor is a State agency, a constitutional officer, or a member of the General Assembly. Charges shall be waived in any other case where the Freedom of Information Officer determines that the waiver serves the public interest because the furnishing of such information primarily serves the general public.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Public Information, Rulemaking and Organization

- 2) Code Citation: 2 Ill. Adm. Code 2250

- 3) Section Numbers:

2250.5	Repealed
2250.10	Repealed
2250.20	Repealed
2250.30	Repealed
2250.40	Repealed
2250.50	Repealed
2250.60	Repealed
2250.70	Repealed
2250.110	Repealed
2250.120	Repealed
2250.130	Repealed
2250.140	Repealed
2250.150	Repealed

- 4) Statutory Authority: 230 ILCS 5/9(b)

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is part of a large project to re-organize the Board's rules. The sections being repealed in this proposal can be found slightly modified in the proposed Parts 200 and 201.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo, Illinois Racing Board  
Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312)814-5017

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: Issue 4: 20 Ill. Reg. 1680, January 26, 1996

The full text of the Proposed Repealer begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

TITLE 2: GOVERNMENTAL ORGANIZATION  
SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
CHAPTER XXXI: ILLINOIS RACING BOARD

PART 2250

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION (REPEALED)

SUBPART A: PUBLIC INFORMATION

Section	
2250.5	Introduction
2250.10	Location of Records
2250.20	Addressing of Requests for Information
2250.30	Identification of Requests for Information
2250.40	Notification to Requestor in Cases Where Information, etc. Not Readily Available
2250.50	Records Not Available for Inspection
2250.60	Lost or Destroyed Records
2250.70	Review of Denied Requests

SUBPART B: RULEMAKING

Section	
2250.110	Applicability
2250.120	Initiation of Rulemaking Proceedings
2250.130	Public Participation in Rulemaking
2250.140	Petitions Seeking Institution of a Rulemaking Proceeding
2250.150	Emergency Rules

AUTHORITY: Implementing Section 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1983, ch. 127, par. 1004.01) and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1983, ch. 8, par. 37-9(b)).

SOURCE: Subpart A adopted at 4 Ill. Reg. 19, P. 240, effective April 29, 1980; codified at 5 Ill. Reg. 10873; Subpart B adopted at 2 Ill. Reg. 36, p. 272, effective September 9, 1978; codified at 5 Ill. Reg. 10875; Subpart A recodified from 11 Ill. Adm. Code 202 and Subpart B recodified from 11 Ill. Adm. Code 203 at 8 Ill. Reg. 16342; repealed at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: PUBLIC INFORMATION

Section 2250.5 Introduction

In accordance with Section 4.01 of the Administrative Procedure Act, the Illinois Racing Board promulgates the following rules setting forth the procedures for obtaining information or submitting requests about subjects or



## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

activities of the agency.

**Section 2250.10 Location of Records**

All records required by law to be filed with the Illinois Racing Board are open for public inspection and may be examined during regular business hours at the Chicago office. The office is located at 160 North LaSalle Street, Chicago, 60601.

**Section 2250.20 Addressing of Requests for Information**

All requests for information from the public, except inquiries regarding matters of a legal nature or Board personnel, should be directed to the Board's special projects coordinator. If the information is not readily available, the special projects coordinator will forward the request to the division which has primary responsibility for the records or information. Legal matters should be addressed to the Board's counsel. Questions about Board personnel should be addressed to the Personnel officer.

**Section 2250.30 Identification of Requests for Information**

All requests for information should be sufficiently identified to enable agency personnel to locate such records with a reasonable amount of effort. If a request does not reasonably describe the records in question, the person requesting the information will be given an opportunity to confer with office personnel to reformulate the request.

**Section 2250.40 Notification to Requestor in Cases Where Information, etc. Not Readily Available**

If the requested information or copies of the records are not readily available or it is burdensome to provide copies of the records or information, the person requesting the information will be notified as to when the records will be available or where the information may be copied.

**Section 2250.50 Records Not Available for Inspection**

The following records and information are not available for copying or inspection:

- a) Information records which are prohibited from disclosure by common law or by statute.
- b) Investigatory records compiled for law enforcement purposes by law enforcement agencies.
- c) Inter-agency or intra-agency memoranda, files or letters which would not be available by law to a party, other than one in litigation with the agency.
- d) Memoranda related solely to the internal personnel rules and practices of the agency.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- e) Personnel files or any other files, the disclosure of which would constitute an invasion of personal privacy.
- f) Occupation license applications, unless information requests are put in writing or are made by racing officials in this or other jurisdictions.
- g) Copies of "management letters" from accountants to organization licensees.

**Section 2250.60 Lost or Destroyed Records**

Records or information which cannot be located or are known to have been destroyed or otherwise disposed of cannot be copied or inspected.

**Section 2250.70 Review of Denied Requests**

If a request for information or inspection of records is denied by the head of a division or the special projects coordinator, the person making the request may ask the Board's Executive Secretary to personally review the denial. The request for review should be in writing and should specify clearly the nature of the request and the reason why the denial should be reversed.

## SUBPART B: RULEMAKING

**Section 2250.110 Applicability**

- a) These rules apply to all actions of the Board adopting, amending or repealing rules.
- b) Rules are defined as statements of general applicability that implement, apply, interpret, or prescribe law or policy.

**Section 2250.120 Initiation of Rulemaking Proceedings**

The Board shall initiate rulemaking proceedings by publication of a notice in the Illinois Register not less than 45 days prior to its intended action. Notices published pursuant to this rule shall contain the following information:

- a) The text of the proposed rule and any provision to be adopted, amended, or repealed.
- b) The Statutory or other authority for the Board's action.
- c) A description of the subject and issues of the proposed rule.
- d) A specification of the time, place, and manner for submission of views and comments.

**Section 2250.130 Public Participation in Rulemaking**

- a) Interested parties must notify the Board in writing within 14 days of publication of a proposed rule of their intention to submit data, views, arguments, or comments.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- b) Requests to submit comments upon a proposed rule should be addressed to Secretary and must be received at the Board's principal office within 14 days of publication of the rule in the Illinois Register.
- c) The time for filing comments may be extended by a member of the Board or by the Chairman at the request of an interested party.
- d) The Chairman of the Board may order the submission of views and comments orally at a special or regularly scheduled meeting of the Board, or it may refer the matter to a standing committee which shall conduct a public hearing at which interested parties may submit evidence or express their views on the proposed rule, or to an ad hoc committee appointed by the Chairman, or to a single Board member designated by the Chairman.
- e) The Board shall consider all data, views, arguments, and comments submitted by interested parties.

**Section 2250.140 Petitions Seeking Institution of a Rulemaking Proceeding**

- a) Any person may petition the Board requesting institution of a proceeding to adopt, amend or repeal a rule.
- b) Ten copies of such petitions shall be submitted to the Secretary at the Board's principal office.
- c) Petitions shall contain the following information:
- 1) The name and address of the person submitting the petition.
  - 2) A statement of the rule proposed for adoption.
  - 3) Specific reference to any rules which the petitioner seeks to have amended or repealed.
  - 4) Specific reference to any existing rules that are inconsistent with the proposed rule.
  - 5) The statutory authority for the proposal.
  - 6) A brief statement of facts and arguments in support of the proposed rule.
  - 7) Identification of any person adversely affected by the proposed rule.
- d) No reply to a petition seeking institution of a rulemaking proceeding may be filed.
- e) Whether a proceeding shall be instituted as requested is within the discretion of the Board and its ruling on the petition will be final.

**Section 2250.150 Emergency Rules**

- a) If the Board finds that an emergency, reasonably constituting a threat to the public interest, safety or welfare requires adoption of a rule upon fewer than 45 days notice, it shall:
- 1) Specify in writing its reason justifying the promulgation of an emergency rule.
  - 2) Allow notice and hearing to the extent practicable.
  - 3) Take reasonable measures to notify affected persons of the adoption of the rule.

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED REPEALER

- 4) Indicate whether the rule is to become effective immediately or on a specified date less than 10 days after the Board finds that an emergency exists.
- b) Emergency rules shall not remain in effect for more than 150 days.

ILLINOIS RACING BOARD  
NOTICE OF PROPOSED RULE

13) Regulatory Agenda on which this rulemaking was summarized: January 1996  
The full text of the Proposed Rule begins on the next page:

ILLINOIS RACING BOARD  
NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Rulemaking
- 2) Code Citation: 2 Ill. Adm. Code 2250
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2250.10	New Section
2250.20	New Section
2250.30	New Section
2250.40	New Section
- 4) Statutory Authority: 230 IACS 5/9(b)
- 5) A. Complete Description of the Subjects and Issues Involved: This rulemaking re-organizes the Board's current rules found in Part 2250. These proposed rules contain provisions for the initiation of rulemaking, public participation, petitions for rulemaking and emergency rulemaking.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: No local government units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:  

Mickey Ezzo  
Illinois Racing Board, Legal Department  
100 West Randolph, Ste. 11-100  
Chicago, Illinois 60601  
(312) 614-5017
- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED RULE

TITLE 2: GOVERNMENTAL ORGANIZATION  
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES  
 CHAPTER XXI: ILLINOIS RACING BOARD

PART 2250  
 RULEMAKING

## Section

- 2250.10 Initiation of Rulemaking Proceedings  
 2250.20 Public Participation in Rulemaking  
 2250.30 Requests to Initiate Rulemaking  
 2250.40 Emergency Rulemaking

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Subpart A adopted at 4 Ill. Reg. 19, p. 240, effective April 29, 1980; codified at 5 Ill. Reg. 106/3; Subpart B adopted at 2 Ill. Reg. 36, p. 272, effective September 9, 1978; codified at 5 Ill. Reg. 106/3; Subpart A recodified from 11 Ill. Adm. Code 402 and Subpart B recodified from 11 Ill. Adm. Code 203 at 8 Ill. Reg. 16342; old Part repealed and new Part adopted at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2250.10 Initiation of Rulemaking Proceedings

The Board shall initiate rulemaking proceedings pursuant to Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

## Section 2250.20 Public Participation in Rulemaking

- a) Interested parties may submit comments, data, views or arguments within 45 days after publication of a proposed rulemaking in the Illinois Register.
- b) Comments on a proposed rulemaking should be addressed to Administrative Rules Coordinator and must be received at the Board's principal office within 45 days after publication of the rulemaking in the Illinois Register.
- c) The time for filing comments may be extended by a member of the Board or by the Chairman.
- d) The Chairman of the Board may order the submission of views and comments orally at a special or regularly scheduled meeting of the Board, or he/she may refer the matter to:
  - 1) a standing committee which shall conduct a public hearing at which interested parties may submit evidence or express their views on the proposed rulemaking;
  - 2) a committee appointed by the Chairman;
  - 3) a single Board member designated by the Chairman.

## ILLINOIS RACING BOARD

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- e) The Board shall consider all data, views, arguments, and comments submitted by interested parties.

## Section 2250.30 Requests to Initiate Rulemaking

- a) Any person may request the Board to adopt, amend or repeal a rule pursuant to Section 5-145 of the Illinois Administrative Procedure Act [5 ILCS 100/5-145].
- b) Any person requesting the initiation of rulemaking shall be required to submit the following information in writing within 10 days after the original request:
  - 1) The name and address of the person submitting the request.
  - 2) A statement of the rule proposed for adoption.
  - 3) Specific reference to any rules the requestor seeks to have amended or repealed.
  - 4) Specific reference to any existing rules that are inconsistent with the proposed rulemaking.
  - 5) The statutory authority for the proposal.
  - 6) A brief statement of facts and arguments in support of the proposed rulemaking.
  - 7) Identification of any person adversely affected by the proposed rulemaking.

## Section 2250.40 Emergency Rulemaking

If the Board finds that an emergency reasonably constituting a threat to the public interest, safety or welfare requires adoption of a rulemaking upon fewer than 45 days notice, it may adopt an emergency rule without prior notice or hearing, pursuant to Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45].

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Program Content and Guidelines for Division of Specialized Care for Children

- 2) Code Citation: 89 Ill. Adm. Code 1200

- 3) Section Numbers: Proposed Action:

1200.30 Amendments

1200.50 Amendments

1200.100 Amendments

## APPENDIX A

- 4) Statutory Authority: Implementing the Specialized Care for Children Act (110 ILCS 345) and authorized by the University of Illinois Act (110 ILCS 305).

- 5) A Complete Description of the Subjects and Issues Involved: Requires Legally Responsible Adults (LRAs) applying for DSCC Financial Assistance for an Applicant or Recipient Child who is potentially eligible for the Medicaid or KidCare Program to apply and enroll if eligible, in the Medicaid or the KidCare Program; clarifies that financial need determination is not required for children served under the Hemophilia Care Act and is required when a child is served by any other program with financial requirements that are the same or more stringent; revises the financial Eligibility Scale based on the February 15, 2000 Federal Poverty guidelines; adds that physician Health Care Professionals may be certified by the American Osteopathic Board.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes

- 7) Does this amendment contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or expand a state mandate.

- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Written comments may be submitted within 45 days after this publication in the *Illinois Register* to:

Charles N. Onufer, M.D.  
Director  
Division of Specialized Care for Children  
2815 West Washington, Suite 300  
P.O. Box 19481

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Springfield IL 62794-9481  
(217) 793-2340 Fax: (217) 793-0773

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: this agency was unaware of its regulatory agenda responsibilities.

The full text of the Proposed Amendments begins on the next page:



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## NOTICE OF PROPOSED AMENDMENTS

## TITLE 89: SOCIAL SERVICES

## CHAPTER X: THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## PART 1200

PROGRAM CONTENT AND GUIDELINES FOR DIVISION  
OF SPECIALIZED CARE FOR CHILDREN

Section	Purpose and Description
1200.10	Definitions
1200.20	Eligibility
1200.30	Medical Eligibility
1200.40	Financial Eligibility
1200.50	Appeal Process
1200.60	Payment for Services
1200.70	Availability of Services
1200.80	Rates of Payment
1200.90	Standards for Health Care Professionals
1200.100	Standards for Health Care Facilities
1200.110	Records
1200.120	Reports
1200.130	

APPENDIX A Financial Eligibility Scale  
APPENDIX B Payment Scale (Repealed)

AUTHORITY: Implementing the Specialized Care for Children Act [110 ILCS 345] and authorized by Section 7 of the University of Illinois Act [110 ILCS 305/71].

SOURCE: Adopted at 11 Ill. Reg. 3508, effective February 10, 1987; amended at 13 Ill. Reg. 9283, effective June 6, 1989; amended at 14 Ill. Reg. 5136, effective March 22, 1990; amended at 17 Ill. Reg. 1137, effective March 8, 1993; emergency amendment at 17 Ill. Reg. 9735, effective July 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2104, effective January 24, 1994; amended at 21 Ill. Reg. 17114, effective December 11, 1997; amended at 23 Ill. Reg. 14597, effective December 15, 1999; emergency amendment at 24 Ill. Reg. \_\_\_\_\_, effective May 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1200.30 Eligibility: General

## a) Program Purpose

The purpose of the Illinois Division of Specialized Care for Children is to provide Programmatic Assistance for Care Coordination Activities with children who are disabled as a result of congenital and/or acquired states or have a condition which may lead to disability. The objective is to provide a program of comprehensive evaluation, medical care and related rehabilitative services appropriate to their various needs and to financially support such care to the extent that their

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Legally Responsible Adults (LRAs) require such financial assistance as determined by the financial eligibility criteria Financial Eligibility Criteria (Section 1200.50 of this Part). Recipient Children who are eligible only for Programmatic Assistance for Care Coordination Service will be served without regard to a financial means test. Due to financial limitations, DSCC will only provide assistance to children with certain categories of disabling conditions as defined in Section 1200.40 of this Part.

- b) Eligibility Criteria for Diagnostic Services  
Initial Diagnostic Services are provided without regard to ability to pay to the extent medically necessary applying usual and customary medical standards to determine whether the Applicant has one of the conditions enumerated in Section 1200.40, Medically Eligible Conditions. Whenever eligibility or ineligibility is established based upon an interview with the Applicant or the LRA, which occurs when a diagnosis has already been established, DSCC shall not be required to provide further initial medical Diagnostic Services.
- c) Eligibility Criteria for Other DSCC Services  
1) Programmatic Assistance for Care Coordination Activities  
To be eligible for Programmatic Assistance for Care Coordination Activities, an Applicant or Recipient Child must meet the following requirements:

- A) Be under 21 years of age;  
B) Be a Resident of Illinois;  
C) Have, or be suspected of having, a Medically Eligible Condition.
- 2) Care Coordination and Financial Assistance  
It is recognized that it is the duty and responsibility of the LRAs to pay for necessary health care services for their children. DSCC will assist the LRA with this responsibility by providing care coordination services and financial assistance. The LRAs are Residents of Illinois, and provided the Applicant or Recipient Child, with the exception that DSCC shall provide services beyond the Recipient Child's 21st birthday when necessary to complete a treatment plan developed before that time if cessation of treatment would cause an immediate threat to or damage to the Recipient Child's life or good health or would negate gains resulting from previous rehabilitative efforts. In no event may the extension continue more than six months beyond the Recipient Child's 21st birthday:

- B) Is a Resident of Illinois;  
C) Has a Medically Eligible Condition and in addition:  
i) The LRAs are lawfully admitted to the United States on a visa or permit which contemplates that the LRA will be entitled to permanently remain in the United States or has been admitted under color of law; or

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- i) The Applicant or Recipient Child is a United States citizen;
- D) Whenever payment for treatment services or financial assistance is desired, the LRA must:
  - i) Meet the financial eligibility criteria set forth at Section 1200.50 of this Part;
  - ii) Make maximum use of third party payments, if any, including Medicaid and KidCare benefits, as well as any other form of payment (such as trust funds, gifts, or fund raising drives) available for the Applicant or Recipient Child;
  - iii) Sign a Reimbursement Agreement, if the injuries for which treatment is sought were caused by any alleged negligent act (including products liability) whenever litigation is pending or contemplated.
- 3) Further, any attorney retained to represent the Recipient Child on any claim relating to the Recipient Child's medical condition for which DSCC will provide care must separately sign the Reimbursement Agreement. Failure to comply with this requirement will not, however, delay or hinder the application process.
- 4) When the LRAs are no longer residents of Illinois, care coordination and financial assistance can be provided for as long as the following conditions are met not to exceed 12 months from the change of residency status:
  - A) The Recipient Child remains a Resident of Illinois;
  - B) The Recipient Child's LRAs were residents of Illinois at the time the Recipient Child was registered with DSCC;
  - C) An active DSCC supported treatment plan for the Recipient Child's eligible condition was in progress at the time the LRAs lost residency status;
  - D) Discontinuation of treatment would result in probable harm to the Recipient Child or an adverse outcome of treatment; and
  - E) Legal action is in progress that will establish legal guardianship of the Recipient Child with a person or agency located in Illinois.
- d) Application Process: Initial and Continuing Eligibility
  - 1) No person participating in or wishing to participate in the Division's programs shall be denied benefits of the program or shall be discriminated against on the basis of sex, religion, race, color, national origin or handicap not related to program eligibility.
- 2) General responsibilities of Applicants, Recipient Children, and LRAs:
  - A) Applicants/Recipients and LRAs requesting assistance shall furnish requested factual information regarding eligibility and shall keep DSCC informed of any changes in financial status (defined as any change in financial circumstances

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- which would affect financial eligibility for DSCC benefits as set forth in Section 1200.50 including, but not limited to changes in family size and income).
- B) The application process requires consent by the LRAs to release or to verify medical data and financial information provided as a part of the application process.
  - 3) An LRA shall complete and sign a written application on behalf of the Applicant on forms specified by DSCC. The Applicant shall comply with all relevant time deadlines with respect to filing of an application and appealing any adverse decision. An LRA may choose a person to assist in completing the application. A representative of a public agency must complete and sign the application for an Applicant in that agency's custody. A representative of a private agency may complete and sign the application for an Applicant if he/she is the authorized guardian for the Applicant.
  - 4) A completed application must be submitted to DSCC within the following time periods:
    - A) In all cases, a completed application for initial financial eligibility must be received by DSCC within 30 days from the date of services for which assistance is desired. Applications not received within the 30 day period shall be processed for reimbursement of treatment services provided no more than 30 days prior to the actual date of receipt. This time period shall be adjusted by DSCC for good cause if DSCC is notified of the circumstances within the 30 day time period (for purposes of this clause, "good cause" shall include, but shall not be limited to, a family emergency, demonstrated delays caused by the U.S. Postal Service, and in providing a copy of an income tax return).
    - B) Applications for continuing financial eligibility must be received by DSCC within the current period of eligibility. If an application is received after said eligibility time period, continuing eligibility shall recommence no more than 30 days prior to the date the application is actually received by DSCC.
  - 5) If financial assistance is desired, the LRA shall complete and sign a financial application on behalf of the Applicant on forms specified by DSCC, which shall be submitted within the time periods specified in subsection Section-1200-36(d)(4) of this Section.
    - A) Such application shall include a copy of the LRA's most recent filed federal income tax return. If an LRA is not required to file with the Internal Revenue Service, verification of income must be submitted.
    - B) DSCC shall accept other supporting documents from the LRA to verify level of income if DSCC determines that the documents

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provided prove the information sought and if the LRA has demonstrated diligence in attempting to obtain federal tax returns or pay stubs but has been unsuccessful in doing so,

§7 ~~B56C shall accept supporting documentation from the LRA that reflects financial eligibility for services being provided by or reimbursed by the Illinois Department of Public Aid (IDPA) or any other state agency using criteria the same as or more stringent than B56C.~~

6) If financial assistance is not desired, no financial application is required. Applicants with a Medically Eligible Condition who either do not desire or do not qualify for DSCC financial assistance shall be eligible for Programmatic Assistance for Care Coordination Activities.

7) Determination of eligibility is performed at the regional offices. (See 2 Ill. Adm. Code 515. Appendix A.)

A) The DSCC staff shall verify the information provided on behalf of the Applicant. This may include discussion, including an interview with the LRA, if the application is not complete. The interview shall be conducted at a place and time convenient to all parties.

B) If supplemental information required by DSCC to determine eligibility is not provided within 30 days after the LRA receives notice of a requirement that the information is needed to complete this application, DSCC shall then advise the LRA that the application will be invalidated and not given further consideration unless the LRA was unable, due to causes beyond his/her control, to provide the information required.

C) A written decision regarding eligibility shall be sent to the LRA and any referring Health Care Provider or Professional or referring agency within 30 days after receipt of the completed application unless the emergent nature of the Applicant's condition requires a decision in a more timely fashion.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1200.50 Financial Eligibility

a) The LRA has an obligation to meet the cost of medical care for his/her Recipient Child to the extent he/she is ~~they are~~ able. Financial assistance, in the form described in Section 1200.90 of this Part, is provided to LRAs who are unable to meet such expenses from their own resources or other third party payers for which the child is eligible as established through a financial need determination performed pursuant to criteria established in subsections (c) and (d) of this Section.

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b) Exceptions to Financial Need Determination

1) DSCC provides Diagnostic Services necessary to determine medical eligibility without regard to the economic status of an Applicant's LRAs.

2) Financial eligibility is not required from LRAs when:

- medical eligibility is uncertain;
  - no expenditure of DSCC funds is anticipated;
  - the Applicant or Recipient Child is a ward of the State agency which is financially responsible for the Applicant or Recipient Child's medical care;
  - the Applicant or Recipient Child has been determined eligible for services being provided by or reimbursed under the Hemophilia Care Act [410 ILCS 420] ~~by a State agency using criteria the same as or more stringent than B56C.~~
- However, if the LRAs elect to provide financial information and complete the DSCC financial need process, they may do so and the period of eligibility established will be determined in accordance with subsection (c)(6) below.

3) Only Programmatic Assistance for Care Coordination Activities is requested.

c) Criteria for Financial Assistance

1) Financial eligibility is based upon the financial status of the LRA requesting financial assistance.

2) The Financial Eligibility Scale (Appendix A) represents 285% of the Federal Poverty Guidelines as developed by the Department of Health and Human Services as published in Vol. 65, No. 31, February 15, 2000, DP-7555-7557 of the Federal Register 64--FR 13429--effective March 18--1999. No subsequent dates or editions are included. A family is placed on the scale according to its total family income ~~total family income and family size.~~

3) Financial assistance is provided when the total family income ~~total family income~~ considering family size is equal to or less than that which is allowable in accordance with the Financial Eligibility Scale. The LRA and attorney must submit a Reimbursement Agreement, if applicable, as provided in Section 1200.30(c)(2)(d)(iii).

4) The LRA shall be determined ineligible for financial assistance from DSCC when:

A) It is determined that the total family income ~~total family income~~ is in excess of that which is allowable in accordance with Appendix A, the Financial Eligibility Scale.

B) An LRA has failed within the time periods established in Section 1200.30(d) to provide sufficient information to determine eligibility. In such instances, eligibility shall commence up to 30 days prior to the date of receipt of a new application with information sufficient to establish eligibility.

C) An LRA has failed within the time period established in

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Section 1200.30(d) to complete and sign the application (including the financial application), and the Reimbursement Agreement (Section 1200.30(c)(2)(D)(iii)), if applicable. In such instances, eligibility shall commence up to 30 days prior to the date of receipt of a newly signed application and/or Reimbursement Agreement.

D) An LRA without a third party payer fails to enroll, if eligible, on behalf of the Applicant or Recipient Child for the Medicaid or KidCare Program. A current family financial period for the Recipient Child will be reduced only if the financial eligibility end date exceeds December 31, 2000 due to the requirement that the family must apply for Medicaid or KidCare. Families potentially eligible for the Medicaid or KidCare Program will be notified at least 90 days prior to the end of their family financial eligibility period or 90 days prior to December 31, 2000, that they must make application and enroll in the Medicaid or KidCare Program, if eligible, to continue DSCC financial assistance.

**EB)** In addition, the LRAs shall lose their financial assistance if:

- i) Medical insurance payments or other forms of payment available or paid directly to the LRA to meet the cost of care for the Recipient Child have not been applied to the cost of care arranged, authorized, and paid by DSCC for that child. In such instances, the LRA may reapply for assistance upon repayment to DSCC of an amount equal to the medical insurance payments made available but not applied toward the Recipient Child's cost of care.
- ii) An LRA fails to notify DSCC within 30 days of any change in the Recipient Child's medical insurance which results in medical coverage for costs which are currently paid for by DSCC.
- iii) An LRA fails to submit a Reimbursement Agreement in accordance with Section 1200.30(c)(2)(D)(iii), if applicable.
- iv) It is determined that the LRA has in any way falsified documents used to determine eligibility.

5) LRAs determined to be wholly or partially ineligible shall be advised of the right to appeal the determination in accordance with the procedures as set forth in Section 1200.60.

6) Period of Financial Eligibility

A) Financial eligibility shall be established for a period of up to 24 months commencing no sooner than 30 days prior to the date a completed application is received by DSCC if applicants are able to provide current federal tax information. For purposes of this Section, current federal tax information shall be defined as the tax information for

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the calendar year prior to the year of application, ~~or~~ Alternatively, financial ~~financial~~ eligibility shall be established for a period of up to 12 months commencing no sooner than 30 days prior to the date a completed application is received by DSCC under the following circumstances:

i) Applicants/LRAs able to provide federal tax information not older than one year prior to the current federal tax information.

ii) Applicants/LRAs not required to file federal income tax forms as defined by the federal Internal Revenue Service. Income must be verified using two consecutive pay stubs that be within two months of application.

iii) Applicants/LRAs determined financially eligible on the basis of eligibility for services being provided by or reimbursed under the Hemophilia Care Act [410 ILCS 420].

C) When more than one child in a family is eligible for financial assistance, the period of eligibility for all eligible children will be for the same period.

D) Financial eligibility shall be redetermined subject to the date established at subsection (c)(6)(A) and (B) above. No current family financial eligibility period will be reduced due to changes in the Financial Eligibility Scale effective December 15, 1999, except as noted in subsections (c)(4)(E) and (c)(6)(E)(i) and (iii). No redetermination of financial eligibility will be done for a minimum of one year for families with existing financial eligibility based on the prior income State.

E) The period of financial eligibility may be decreased under the following circumstances:

i) The Recipient Child, at the time of financial evaluation, was a ward of an agency or court because adoption had not been finalized. DSCC eligibility shall terminate on the effective date of the finalization of the adoption.

ii) Supplemental information submitted pursuant to Section 1200.30(d)(2)(A) of this Part causes a change in financial eligibility.

iii) The Recipient Child loses DSCC general ~~General~~ or medical eligibility ~~Medical-Eligibility~~. Eligibility for DSCC benefits shall terminate at the time that DSCC general ~~General~~ or medical eligibility ~~Medical-Eligibility~~ is determined to have been lost.

F) In the event that an LRA submits information, at any time, which, upon verification by DSCC, establishes that the LRA is eligible for financial assistance at a level in excess of

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that previously approved by DSCC, a new period of eligibility shall begin on the date the information is received by DSCC, provided that the LRA has met all prior financial obligations to DSCC.

## a) Financial Determination Calculations

## 1) Family Size

A) Family size shall be determined by the sum of the number of persons in each of the following categories when they share the same household. However, if a person falls into more than one category, that person shall be counted only once:

- The Applicant or Recipient Child;
- The Applicant or Recipient Child's spouse;
- An LRA and his/her spouse;
- Other persons who, for Federal Income Tax purposes, are deemed dependents of the applying LRA.

2) The family's annual total income ~~total~~ income shall be the sum of all income of persons comprising the family unit, as determined above but excluding income of dependent children except income of the dependent Applicant or Recipient Child and his/her spouse. Total income ~~income~~ shall include all income as defined by the Internal Revenue Service for federal income tax reporting purposes.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1200.100 Standards for Health Care Professionals

## a) Qualifications/Requirements of Physicians and Other Health Care Professionals

1) Physician Health Care Professionals: General Qualifications  
In view of the specialized care required by children with chronic and often uncommon physical impairments served by DSCC, a participating physician ~~Physician~~ Health Care Professional shall be certified by one of the boards constituting the American Board of Medical Specialties or the American Osteopathic Board; be licensed by the State of Illinois or the State of Illinois in which medical services are being provided; and be a member in good standing of the professional staff of the Health Care Facility approved by DSCC for the services to be provided. Physicians shall be those who have been approved by DSCC as meeting the above standards as evidenced by a submission thereof on forms provided by DSCC for that purpose. The Director will authorize the use of non-certified physicians when such is required to meet the needs of a specific child (for purposes of this clause a non-certified physician is defined as a physician who is qualified by training in his specialty as determined by the American Board of Medical Specialties but who has not yet met the

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minimum experience qualifications required to complete the credentialing process through oral and written examinations). In such cases, the Director will establish limits on the services to be performed by such professionals ~~professionals~~ which reflect the extent of the training and experience of the physician.

2) Physician Health Care Professionals: Special Qualifications  
If medically necessary to meet the unique needs of individual children, the Director shall require physician ~~Physician~~ Health Care Professionals involved in providing care to the children to demonstrate that they have completed advanced training germane to the condition being treated. Such training may include sub-specialty certification by the American Board of Medical Specialties or completion of a period of fellowship training in an approved program. The Director may also require, in such circumstance, that the physician evidence completion of continuing medical education in the specialized area needed and demonstrate significant recent experience in treating low incidence health impairments. Among the services provided by DSCC which require such qualifications are those involving medical and surgical management of children with cardiac defects; surgical management of curvature of the spine; habilitation of the upper extremity amputee; diagnosis and management of inborn errors of metabolism; hemophilia; cystic fibrosis; cleft lip/cleft palate; spina bifida; and genetic evaluation and counseling.

3) Other Health Care Professionals: Qualifications  
Other Health Care Professionals include, but are not limited to, nurses, social workers, specialized dentists, physical therapists, occupational therapists, speech, audiologists, optometrists, podiatrists, psychologists, nutritionists, genetic counselors, orthotists, prosthetists, and related consultants shall need licensure, certification and credentialing requirements of the State and professional associations in the specialty areas in which they practice or provide services. Additionally, they shall present evidence of their training and experience in providing services to physically impaired children. Evidence of such training and experience shall be relevant to the prescriptive intervention ordered. The Director shall require additional qualifications when further expertise is required in accordance with the standards enumerated in subsection (a)(2).

4) Liability Insurance: Requirements  
All physicians and all other Health Care Professionals shall maintain professional liability insurance in an amount not less than \$1,000,000 per occurrence and annual aggregate limit not less than \$3,000,000. The physician and other health care professional further agrees to maintain continuous coverage in the amount required by DSCC for the length of time DSCC services



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are provided. DSCC retains the right to modify insurance requirements from time to time. All physicians and other health care professionals must provide to DSCC proof of the required professional liability coverage and shall update such proof upon renewal of coverage. Failure of DSCC to obtain such proof of coverage shall not be deemed a waiver of such coverage requirement.

- 5) Health Care Professionals: Qualification Exceptions  
The above qualifications notwithstanding, physicians and other Health Care Providers who provided DSCC services prior to the effective date of this Part shall be entitled to continue in such status provided the Director determines that they have demonstrated the skill, knowledge, training, and experience necessary to continue to provide services to Applicant/Recipient Children. They shall be deemed to have demonstrated such skill, knowledge, training and experience if past medical outcomes were satisfactory, past medical diagnoses proved correct, and all past medical interventions were in accordance with usual and customary medical standards. (See exclusion in subsection (b)(6) below.)

- 6) Exclusion from Participation  
A) Health Care Professionals formally and involuntarily excluded from participation in programs of Federal and State agencies, shall automatically be excluded from participation in the DSCC program.

- B) Health Care Professionals shall also be excluded for cause.

Cause for exclusion by DSCC shall include, but shall not be limited to, failure to successfully complete the accreditation process by the appropriate certifying Board or organization within the maximum time frame for such certification; documented evidence of any kind of professional performance not consonant with the recognized standard of care; adverse action of a hospital medical board, a professional society or other organization; and lack of cooperation regarding billing practice or submission of reports.

- C) Any exclusion for cause shall be communicated to the Health Care Professional in writing. The professional ~~Professional~~ shall be entitled to appeal any such decision in accordance with the procedures set forth in subsection (b).

- b) Upon receiving notice of DSCC intention to terminate participation in DSCC programs for cause, a Health Care Professional shall be entitled to a hearing thereon before the DSCC Director, if such is requested in writing within 30 days after said notice is received by the professional ~~Professional~~.

- 1) The hearing shall be informal in nature and the professional ~~Professional~~ shall have the right to present all relevant information, witnesses, and evidence in any form. shall issue a

- 2) Within 30 days after the hearing, the Director shall issue a

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decision determining whether the professional ~~Professional~~ is so qualified and stating the reasons for the decision. The decision shall be based upon the facts presented at the hearing and any supplemental investigation performed by the Director.

- 3) The decision of the Director shall be final.

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

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## Section 1200 APPENDIX A Financial Eligibility Scale

Family Size	Financial Eligibility Maximum
1	\$23,738 \$37,464
2	32,062 \$17,521
3	40,328 \$9,556
4	48,593 \$7,595
5	56,858 \$5,632
6	65,123 \$3,669
7	73,388 \$1,706
8	81,653 \$9,743

This scale is based on 285% of the Federal Poverty Guidelines as developed by the Department of Health and Human Services as published in Vol. 65, No. 31, February 15, 2000, pp. 7555-7557 of the Federal Register. 64--PR--194267, effective March-18, 1999. No subsequent dates or editions are included.

\*For family units with more than 8 members, add \$8,265 \$9,637 for each additional member. (The same increment applies to smaller family units also, as can be seen in the figures above.)

(Source: Amended at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF VETERANS' AFFAIRS

## NOTICE OF PROPOSED REPEAL

1) Heading of the Part: Illinois Vietnam Veterans Memorial Grant

2) Code Citation: 95 Ill. Adm. Code 119

3) Section Number: Proposed Action:  
 119.10 Repeal  
 119.20 Repeal  
 119.30 Repeal  
 119.40 Repeal

4) Statutory Authority: P.A. 84-1204

5) A Complete Description of the Subjects and Issues Involved: This part was for an appropriation in the Department's budget bill to the Illinois Vietnam Veterans' Memorial for construction. This project has been completed for several years and therefore, is repealed.

6) Will this proposed rule replace any emergency rule in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Repealed

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Please mail written comments to the attention of:

Richard A. Luttrell  
 833 S. Spring Street - PO Box 19432  
 Springfield IL 62794-9432  
 (217) 785-6083

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: this repeal was not anticipated at the time the agency's

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agendas were compiled.

The full text of the proposed repealer begins on the next page:

## DEPARTMENT OF VETERANS' AFFAIRS

## NOTICE OF PROPOSED REPEALER

## TITLE 95: VETERANS AND MILITARY AFFAIRS

## CHAPTER 1: DEPARTMENT OF VETERANS' AFFAIRS

## PART 119

## ILLINOIS VIETNAM VETERANS MEMORIAL GRANT (REPEALED)

## Section

119.10 Definitions

119.20 Purpose and Scope

119.30 Funding Procedure

119.40 Accounting Requirements

AUTHORITY: Implementing and authorized by an Act making appropriations for the ordinary and contingent expenses of the Department of Veterans' Affairs (Public Act 84-1204, effective July 1, 1986).

SOURCE: Emergency Rules adopted at 10 Ill. Reg. 18047, effective October 6, 1986, for a maximum of 150 days; adopted at 11 Ill. Reg. 2306, effective January 30, 1987; repealed at 24 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 119.10 Definitions

"Department" means the Illinois Department of Veterans' Affairs.

"Director" means the Director of the Illinois Department of Veterans' Affairs.

"Grantee" means the Illinois Vietnam Veterans' Memorial Fund Committee.

## Section 119.20 Purpose and Scope

The purpose of this Part is to create rules and procedures to govern the granting of funds by the Department to the Grantee for the construction of a Vietnam Veterans Memorial at Oak Ridge Cemetery in Springfield.

## Section 119.30 Funding Procedure

Before any grant funds are awarded the grantee will provide the Department with a full accounting of funds raised to date. This report will include;

- a) amounts and sources of all contributions;
- b) amounts and nature of all expenditures from these funds;
- c) balance of funds available.

## Section 119.40 Accounting Requirements

- a) The Grantee will keep detailed and concise records of all receipts and

## DEPARTMENT OF VETERANS' AFFAIRS

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expenditures. All financial records will be kept according to the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (June 1986, not including any subsequent amendments or editions).

b) All Grantee Records are subject at any time to an audit by the Department's internal auditor and/or an outside audit agency. The Report will be evaluated by the Director and after all questions and concerns have been resolved, the Department will make available to the Grantee State funds in an amount equal to the amount available to the Grantee for Vietnam Veterans Memorial construction to date.

c) At the end of each fiscal quarter, the Grantee will submit to the Department a report of funds contributed during that quarter. The Department will then make available State funds in an amount equal to the collected funds for the quarter for the Vietnam Veterans' Memorial construction. This quarterly report will also include a summary of expenditures and balance of funds on hand.

d) State funds granted under this program are to be used only for expenses associated with the construction of the Illinois Vietnam Veterans Memorial. State contributions are not to exceed \$485,000 during fiscal year 1987.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Pesticide Act

2) Code Citation: 8 Ill. Adm. Code 250

3) Section Numbers: Adopted Action:  
250.120 Amended

4) Statutory Authority: The Illinois Pesticide Act [415 ILCS 60/8]

5) Effective Date of Amendments: April 27, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: January 7, 2000; 24 Ill. Reg. 187

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: The control of tree roots in sewer lines has involved the use of pesticides for some time. However, the recent designation of metam sodium as a restricted use pesticide by the USEPA has caused the need for purchasers and users to be certified by the State. The Department of Agriculture has utilized the existing Rights-of-Way licensure category for this purpose but realizes that the Rights-of-Way category covers a much wider array of application types. The creation of a new certification and licensure category will allow the Department to develop and utilize training and testing programs targeted at this specific pesticide application type and ensure that sewer root control pesticide applicators are appropriately trained for the proper handling and application of these types of pesticide products.

16) Information and questions regarding this adopted amendment shall be

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directed to:

Linda Rhodes  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
Telephone: 217/785-5713  
Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

DEPARTMENT OF AGRICULTURE  
NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER 1: PESTICIDE CONTROL

## PART 250

## ILLINOIS PESTICIDE ACT

Section	
250.10	Definitions
250.20	Registration of Pesticide Dealers Selling Restricted Use Pesticides
250.30	Registration of Pesticides
250.40	Registration of Experimental Use Pesticides
250.50	Registration of Special Local Need Pesticides
250.60	Emergency Exemption Registration
250.70	Method of Becoming Certified Applicators
250.80	Private Pesticide Applicators: Certification, Licensing, Testing and Training
250.90	Commercial Applicator, Commercial Not For Hire Applicator and Public Applicator: Certification, Testing and Licensing
250.100	Licensed Operator (Commercial Operator, Commercial Not For Hire Operator and Public Operator): Testing and Licensing
250.110	General Competency Standards to be Covered on the Tests
250.120	Technical Category Areas of Pesticide Use
250.130	Surety Bond or Liability Insurance
250.140	Interagency Committee on Pesticides
250.150	Record Keeping
250.160	Permits
250.170	Administrative Hearings
250.180	Administrative Penalties
250.190	Formulation Violations of the Label Claim
250.200	Reporting of Pesticide Incidents or Misuse Complaints

AUTHORITY: Implementing and authorized by the Illinois Pesticide Act [415 ILCS 60].

SOURCE: Adopted at 5 Ill. Reg. 732, effective January 6, 1981; codified at 5 Ill. Reg. 10527; amended at 6 Ill. Reg. 3071, effective March 8, 1982; amended at 8 Ill. Reg. 855, effective January 5, 1984; amended at 8 Ill. Reg. 16407, effective August 29, 1984; amended at 10 Ill. Reg. 7663, effective April 28, 1986; amended at 12 Ill. Reg. 12784, effective July 26, 1988; amended at 24 Ill. Reg. 7191, effective APR 27 1990.

**Section 250.120 Technical Category Areas of Pesticide Use**

- a) Category 1 is Agricultural Pest Control containing six subcategories as follows:
- 1) Field Crop Control

This category of pesticide applicators includes those applying



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pesticides in production of agricultural field crops including but not limited to field corn, soybeans, feed grains and forage as well as on grasslands and noncrop agricultural lands.

2) **Vegetable Crop Pest Control.**

This category includes applicators using or supervising the use of pesticides in production of vegetable crops, including but not limited to tomatoes, sweetcorn, asparagus, peas, or beans as well as on grasslands and noncrop agricultural lands associated with the land on which vegetable crops are grown.

3) **Fruit Crop Pest Control.**

This category includes applicators using or supervising the use of pesticides in the production of small fruits or tree fruits and nuts as well as on grasslands and noncrop agricultural lands associated with the land on which fruit or nut crops are grown.

4) **Grain Facility Pest Control.**

This category includes applicators using pesticides for the prevention and control of pests in, on or around grain elevators or similar grain holding facilities which are not included under or classified as a part of the classification of Food Manufacturing, Food Processing, and Food Storage Facility, Pest control in, on, around food or feed facilities is one of the subcategories under Category 7.

5) **Animal-Livestock Pest Control.**

This category includes applicators using or supervising the use of pesticides on animals, including but not limited to the following: beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock and to places on or in which animals are confined or housed. Doctors of veterinary medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators or engaged in large scale use of pesticides are included in this category.

6) **Grain Fumigation Pest Control.**

This category includes private applicators (farmers) who use pesticides to treat stored grain upon their own property.

b) **Category 2 is Forest Pest Control.**

This category includes applicators using pesticides in forests, forest nurseries and forest seed producing areas.

c) **Category 3 is Ornamental and Turf Pest Control containing the subcategories as follows:**

- 1) **Ornamental Pest Control:**  
This category includes pesticide applicators applying pesticides in the maintenance and production of trees, ornamental trees, shrubs and flowers.
- 2) **Turf Pest Control.**  
This category includes pesticide applicators applying pesticides in the maintenance and production of sod and/or turf.
- 3) **Plant Management Pest Control.**  
This category includes pesticide applicators applying pesticides

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## NOTICE OF ADOPTED AMENDMENTS

in the maintenance of portable plants used for interior landscaping and interior pest design.

d) **Category 4 is Seed Treatment Pest Control.**

This category includes applicators using pesticides on seeds.

e) **Category 5 is Aquatic Pest Control.**

This category includes applicators using pesticides purposefully applied to standing or running water, excluding applicators engaged in public health programs for the management and control of pests having medical and public health importance.

f) **Category 6 is Right-of-Way Pest Control.**

This category includes applicators using pesticides in the maintenance of public roads, electric powerlines, pipelines, railway right-of-way or other similar areas.

g) **Category 7 is Industrial, Institutional, Structural, and Health Related Pest Control.**

This category is under the jurisdiction of the Illinois Department of Public Health, Structural Pest Control Act [225 ILCS 235] (4111--rev-Stat--1987, ch--111-1/27--par-4202-et-seq-) and rules for that Act (77 Ill. Adm. Code 830).

h) **Category 8 is Public Health Pest Control.**

This category is under the jurisdiction of the Illinois Department of Public Health, except as hereafter provided, Mosquito Pest Control is a category of pesticide applicators using pesticides for the prevention and control of mosquitoes. Pesticide applications may be made on or around, although not limited to structures such as schools and hospitals, industrial and business establishments and adjacent areas, including ditches canals, low wet areas, and stagnant pools, to prevent or control the spread of mosquito borne diseases and for control of nuisance level populations of pest mosquitoes. In accordance with Section 3(2) of the Act and the Structural Pest Control Act, the examination and training for this category is developed by the Department of Public Health. The examination, certification and licensing of applicants is administered by the Department of Agriculture. No other public health and structural pest control activities in fact or by implication are permitted under this license.

i) **Category 9 is Regulatory Pest Control.**

This category includes state, federal or other governmental employees who use or supervise the use of pesticides in the control of pesticide enforcement or regulatory activities.

j) **Category 10 is Demonstration and Research Pest Control.**

This category includes:

- 1) Individuals who demonstrate to the public the proper use and techniques of application of restricted use or general use pesticides or supervise such demonstration. Included in this group are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in

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- public programs, ~~r-and~~  
2) persons conducting field research with pesticides and, in doing so, use or supervise the use of restricted or general use pesticides.  
3) included in the first-group are such persons as extension specialists and county agents, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs.  
k) Category 11 is Soil Fumigation Pest Control.  
This category includes applicators using pesticides for soil fumigation.  
Category 12 is Sewer Root Control.  
This category includes applicators using pesticides for the control of roots within sewer systems.

(Source: Amended at 24 Ill. Reg. 7191, effective 1-1-2000)

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NOTICE OF ADOPTED AMENDMENTS

- Heading of the Part: Meat and Poultry Inspection Act  
Code Citation: 8 Ill. Adm. Code 125  
Section Numbers:  
125.260 Amended  
125.380 Amended  
4) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650]  
5) Effective Date of Amendments: April 27, 2000  
6) Does this rulemaking contain an automatic repeal date? No  
7) Does this amendment contain incorporations by reference? No  
8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.  
9) Notice of Proposal Published in Illinois Register: February 4, 2000; 24 Ill. Reg. 1746  
10) Has JCAR issued a Statement of Objection to this amendment? No  
11) Differences between proposal and final version: None  
12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes  
13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment: In order to maintain an "equal to" status with the federal meat and poultry products inspection programs as required by the Federal Meat Inspection Act and the Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is proposing to adopt amendments of the federal meat and poultry products inspection rules published at 64 FR 53186, October 1, 1999.

The Food Safety and Inspection Service (FSIS) is amending the federal meat and poultry products inspection regulations to update references to the National Institute of Standards and Technology (NIST) Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Measuring Devices." FSIS is amending the provisions in its regulations

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that reference NIST Handbook 44 to reflect this most recent edition.

16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield, IL 62794-9281  
Telephone: 217/785-5713  
Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

## DEPARTMENT OF AGRICULTURE

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TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

## PART 125

## MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR  
POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals (Repealed)
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation
125.141	Sanitation Standard Operating Procedures (SOP's)
125.142	Hazard Analysis and Critical Control Point (HACCP) Systems
125.143	Imported Products
125.144	Preparation and Processing Operations

## SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation (Repealed)
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product

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125.280 Meat Definitions and Standards of Identity or Composition  
 125.290 Transportation  
 125.295 Tapered Products (Repealed)  
 125.300 Special Services Relating to Meat and Other Products  
 125.305 Exotic Animal Inspection

## SUBPART C: POULTRY INSPECTION

Section  
 125.310 Application of Inspection  
 125.320 Facilities for Inspection  
 125.330 Sanitation (Repealed)  
 125.330 Operating Procedures  
 125.340 Ante-Mortem Inspection  
 125.350 Post-Mortem Inspection; Disposition of Carcasses and Parts  
 125.360 Handling and Disposal of Condemned or Inedible Products at Official Establishments  
 125.370 Labeling and Containers  
 125.380 Entry of Articles Into Official Establishments; Processing Inspection  
 125.390 and Other Reinspections; Processing Requirements  
 125.400 Definitions and Standards of Identity or Composition  
 125.410 Transportation; Sale of Poultry or Poultry Products

**AUTHORITY:** Implementing and authorized by the Meat and Poultry Inspection Act [25 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

**SOURCE:** Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4456, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 13575, effective October 2, 1985; peremptory amendment at 10 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11

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11. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective October 5, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective September 7, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 26, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995;

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## NOTICE OF ADOPTED AMENDMENTS

peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998; peremptory amendment at 22 Ill. Reg. 9384, effective May 15, 1998; peremptory amendment at 22 Ill. Reg. 20645, effective November 16, 1998; amended at 23 Ill. Reg. 450, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 3851, effective March 11, 1999; peremptory amendment at 23 Ill. Reg. 10880, effective August 19, 1999; amended at 24 Ill. Reg. 3933, effective February 27, 2000; amended at 24 Ill. Reg. 5699, effective March 14, 2000; amended at 24 Ill. Reg. 7197, effective 3/10/2000.

## SUBPART B: MEAT INSPECTION

## Section 125-260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(i)(2), 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (1997); 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998, 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999.
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or

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- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).
  - f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
  - g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
  - h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
  - i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
  - j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
  - k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
  - l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.
- (Source: Amended at 24 Ill. Reg. 7197, effective 3/10/2000.)

## SUBPART C: POULTRY INSPECTION

## Section 125-380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.134 through 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460, 381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1997); 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February



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- 13, 1998; 63 FR 11359, effective May 8, 1998; 64 FR 732, effective March 8, 1999; 64 FR 53186, effective November 30, 1999).
- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
  - c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
  - d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
  - e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
  - f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600).
  - g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.
  - h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
  - i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
  - j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
  - k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
  - l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the Federal government.
  - m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
  - n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices

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have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Amended at 24 Ill. Reg. 71.97 effective APR 27 2000)

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- 1) Heading of the Part: Certification
- 2) Code Citation: 23 Ill. Adm. Code 25
- 3) Section Number:
  - 25.20 Amendment
  - 25.30 Amendment
  - 25.35 New Section
  - 25.40 Amendment
  - 25.80 Amendment
  - 25.425 Amendment
  - 25.437 Repeal
  - 25.495 Amendment
- 4) Statutory Authority: 105 ILCS 5/Art. 21 and 2-3-6
- 5) Effective Date of Amendments: May 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? The amendments do not contain an incorporation by reference pursuant to Section 5-7.5 of the Illinois Administrative Procedure Act.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 10, 1999; 23 Ill. Reg. 14144
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

In Section 25.35(b), the phrase "prior to the effective date of this Section" has been changed to "prior to May 1, 2000."

In Section 25.495(b), the reference to Section 25.11 has been amplified to be specific to Section 25.11(b).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes, March 24, 2000; 24

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- 15) Summary and Purpose of Amendments: This set of amendments was proposed mainly for the purpose of deleting requirements that had become outdated and redundant. These include the specific general education requirements for the elementary, high school, special, and early childhood certificates, as well as the specific professional education requirements for the first two of those certificates.
- Last spring, the State Board adopted related amendments to this Part, moving to recognize Illinois teacher preparation institutions based on the standards of the National Council for the Accreditation of Teacher Education (NCATE). All the NCATE standards were incorporated by reference into our rules (in Section 25.115, which does not form part of the present rulemaking). Thus, there are now competing sets of requirements in place within Part 25. As we revise Sections 25.20, 25.30, 25.40, and 25.80 to eliminate this redundancy, it becomes necessary to provide some more comprehensive structure to those rules so they cover the full range of requirements applicable to the certificates in question. The underlined language in those Sections does not, therefore, convey any new requirements, much of it merely fleshes out the context. There is a new Section 25.35 containing temporary provisions for the issuance of subsequent standard certificates until standard teaching examinations become available.
- Finally, revisions are being made to existing Sections regarding the certification of candidates prepared in institutions outside Illinois. These changes reflect the content of the interstate agreement that will be effective from 2000 through 2003.
- For the time being, our existing professional education requirements for the special certificate and the early childhood certificate are being left intact. These are quite specific to these fields, and it will be more appropriate to replace them at the time content-area standards are placed into the rules.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Michael J. Long  
Division of Professional Preparation  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777-0001  
(217) 782-4330

The full text of the adopted amendments begins on the next page:

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## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## SUBTITLE A: EDUCATION

## CHAPTER I: STATE BOARD OF EDUCATION

## SUBCHAPTER b: PERSONNEL

PART 25  
CERTIFICATION

## SUBPART A: DEFINITIONS

Section  
25.10 Definition of Terms Used in This Part

## SUBPART B: CERTIFICATES

Section	New Certificates (July 1, 1999)
25.11	Standards for Certain Certificates
25.15	Requirements for Initial State Elementary School Certificate
25.20	Requirements for Initial Secondary State-High School Certificate
25.35	Temporary Provisions for the Acquisition of Subsequent Standard Certificates
25.40	Requirements for Initial State Special K-12 Certificate
25.43	Standards for Certification of Special Education Teachers
25.45	Standards for the Standard Special Certificate--Speech and Language Impaired
25.50	General Certificate
25.60	State Special Certificate, Grades 11-12, For Teaching Elective Subjects
25.65	Alternative Certification
25.67	Alternative Route to Teacher Certification
25.70	State Provisional Vocational Certificate
25.75	Part-time Provisional Certificates
25.80	Requirements for Initial Early Childhood Certificate <b>Certificates</b>
25.90	Transitional Bilingual Certificate and Examination
25.95	Major, Minors, and Separate Fields for the Illinois High School Certificate
25.99	Endorsing Teaching Certificates

SUBPART C: IMPROVING THE TEACHER EDUCATION PROGRAMS OF THE  
TEACHER EDUCATION INSTITUTIONS OF THE STATE OF ILLINOIS

Section	System of Approval: Levels of Approval (Repealed)
25.110	Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
25.120	Standards and Criteria for Institutional Recognition and Program Approval (Repealed)

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25.125	Fifth-Year Review
25.130	Procedures for Initial Recognition as a Teacher Education Institution (Repealed)
25.135	Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through June 30, 2003
25.137	Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000
25.140	Procedures For Approval of New or Modified Teacher Education Programs and Consortia (Repealed)
25.145	Approval of New Programs Within Recognized Institutions
25.150	The Periodic Review Process (Repealed)
25.155	Initial Recognition Procedures Effective July 1, 2000
25.160	Notification of Recommendations; Decisions by State Board of Education
25.165	Discontinuation of Programs

## SUBPART D: SCHOOL SERVICE PERSONNEL

Section	Requirements for the Certification of School Social Workers
25.210	Requirements for the Certification of Guidance Personnel
25.220	Requirements for the Certification of School Psychologists
25.230	Standard for School Nurse Endorsement
25.240	

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF  
ADMINISTRATIVE AND SUPERVISORY POSITIONS

Section	Definitions (Repealed)
25.310	Administrative Certificate
25.311	Alternative Route to Administrative Certification
25.313	Renewal of Administrative Certificate
25.315	Application for Approval of Program (Repealed)
25.320	General Supervisory Endorsement
25.325	Standards and Guide for Approved Programs (Repealed)
25.330	General Administrative Endorsement
25.333	Chief School Business Official Endorsement
25.344	Superintendent
25.355	

## SUBPART F: GENERAL PROVISIONS

Section	Military Service
25.405	Revoked Certificates
25.410	Credit in Junior College
25.415	Psychology Accepted as Professional Education
25.420	Individuals Prepared in Out-of-State Institutions
25.425	Three-Year Limitation
25.427	Institutional Approval
25.430	

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- 25.435 School Service Personnel Certificate--Waiver of Evaluations  
 25.437 Equivalency of General Education Requirements (Repealed)  
 25.440 Master of Arts NCATE  
 25.442 Illinois Teacher Corps Programs  
 25.445 College Credit for High School Mathematics and Language Courses  
 25.450 Lapsed Certificates  
 25.455 Substitute Certificates  
 25.460 Provisional Special and Provisional High School Certificates  
 25.465 Credit  
 25.470 Meaning of Experience on Administrative Certificates  
 25.475 Certificates and Permits No Longer Issued  
 25.480 Credit for Certification Purposes  
 25.485 Provisional Recognition of Institutions (Repealed)  
 25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime  
 25.493 Part-Time Teaching Interns  
 25.495 Approval of Out-of-State Institutions and Programs  
 25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF TEACHER AIDES AND  
 OTHER NONCERTIFIED PERSONNEL

- Section  
 25.510 Teacher Aides  
 25.520 Other Noncertificated Personnel  
 25.530 Specialized Instruction by Noncertificated Personnel  
 25.540 Approved Teacher Aide Programs

## SUBPART H: CLINICAL EXPERIENCES

- Section  
 25.610 Definitions  
 25.620 Student Teaching  
 25.630 Pay for Student Teaching

## SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

- Section  
 25.705 Purpose - Severability  
 25.710 Definitions  
 25.715 Test Validation  
 25.717 Test Equivalence  
 25.720 Applicability of Testing Requirement  
 25.725 Applicability of Scores  
 25.728 Use of Basic Skills Test at Time of Entry into Teacher Education  
 25.730 Registration  
 25.732 Late Registration  
 25.733 Emergency Registration  
 25.735 Frequency and Location of Examination

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- 25.740 Accommodation of Persons with Special Needs  
 25.745 Special Test Dates  
 25.750 Conditions of Testing  
 25.755 Voiding of Scores  
 25.760 Passing Score  
 25.765 Individual Test Score Reports  
 25.770 Rescoring  
 25.775 Institution Test Score Reports  
 25.780 Fees  
 APPENDIX A Statistical Test Equating - Certification Testing System  
 APPENDIX B Certificates Available Effective July 1, 1999  
 APPENDIX C Exchange of Certificates  
 APPENDIX D National Board and Master Certificates
- AUTHORITY: Implementing Article 21 and Section 140-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 140-8, and 2-3.6].

SOURCE: Rules and Regulations to Govern the Certification of Teachers adopted September 15, 1977; amended at 4 Ill. Reg. 28, p. 336, effective July 16, 1982; amended at 7 Ill. Reg. 5429, effective April 11, 1983; codified at 8 Ill. Reg. 144; amended at 9 Ill. Reg. 1046, effective January 16, 1985; amended at 10 Ill. Reg. 12576, effective July 8, 1986; amended at 10 Ill. Reg. 15044, effective August 26, 1986; amended at 11 Ill. Reg. 12670, effective July 15, 1987; amended at 12 Ill. Reg. 3709, effective February 1, 1988; amended at 12 Ill. Reg. 16022, effective September 23, 1988; amended at 14 Ill. Reg. 1243, effective January 8, 1990; amended at 14 Ill. Reg. 17936, effective October 18, 1990; amended at 15 Ill. Reg. 17048, effective November 13, 1991; amended at 16 Ill. Reg. 18789, effective November 23, 1992; amended at 19 Ill. Reg. 16826, effective December 11, 1995; amended at 21 Ill. Reg. 11536, effective August 1, 1997; emergency amendment at 22 Ill. Reg. 5097, effective February 27, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 11767, effective June 25, 1998; amended at 22 Ill. Reg. 19745, effective October 30, 1998; amended at 23 Ill. Reg. 2843, effective February 26, 1999; amended at 23 Ill. Reg. 7231, effective June 14, 1999; amended at 24 Ill. Reg. 7206, effective 4/11/2000.

## SUBPART B: CERTIFICATES

## Section 25.20 Requirements for Initial State Elementary School Certificate

- a) Each applicant shall either:  
 1) have completed an approved Illinois teacher preparation program or a comparable program in another state or country (see Sections 25.425 and 25.435 of this Part); or  
 2) hold a valid certificate issued by another state and have less than four years of teaching experience as defined in Section 25.11(g) of this Part.  
 b) Each applicant shall have completed pre-student teaching clinical

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experiences (see Section 25.610 of this Part), except that applicants Semester-Hours a) General Education ..... 9  
the requirements contained in subsections (1) through (9) of this subsection (a) shall remain in force through June 30, 1992. Thereafter, the requirements set forth in paragraphs (1) through (10) of this subsection shall take effect.

- 1) Language Arts ..... 9
- 2) Science ..... 9
- 3) Social Science (including a course in American History and/or Government) ..... 9
- 4) Humanities ..... 6
- 5) Music ..... 4
- 6) Art ..... 4
- 7) Mathematics ..... 5
- 8) Health and Physical Education ..... 3
- 9) Additional work to total ..... 7
- 10) Communication Skills ..... 3
- A) Oral Communication ..... 3
- B) Written Communication ..... 6
- 11) Mathematics and Science ..... 6
- A) Mathematics ..... 6
- B) Biological and Physical Sciences (including one laboratory course) ..... 12
- 12) Humanities ..... 3
- A) American History ..... 3
- B) English ..... 3
- C) History ..... 3
- D) English and/or Literature and/or Foreign Language and/or Fine Arts (Art, Music, Theatre) and/or Linguistics and/or Philosophy and/or Social Science ..... 9
- 13) American Government ..... 3
- A) Political Science and/or Anthropology and/or Cultural Geography and/or Economics and/or Psychology and/or Sociology to total ..... 6
- 14) Health and Physical Development ..... 2
- A) Health and/or Physical Development ..... 2
- 15) Additional study in one of the disciplines listed in subsections (a) (1) through (13) including

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a minimum of 9 semester-hours of upper division coursework.  
\* At least one 3-semester-hour course must be taken in non-Western or Third-World cultures from either the Humanities or Social Science.  
\*\* Courses in American History or History may be applied toward meetings either the Humanities or the Social Science requirements of institutions which have approved programs may submit combinations of disciplines (e.g., literature and linguistics or anthropology and sociology) which utilize similar methods of inquiry and criteria for evaluation of knowledge (e.g., use of scientific method or use of historic or literary documents) as a substitute for a single discipline in accordance with Section 25.120.

- |   | Semester | Hours |
|---|----------|-------|
| b) Professional Education ..... 2   |          | 16    |
| 1) Educational Psychology ..... 2   |          |       |
| 2) Methods and Techniques of Teaching on the Elementary Level ..... 2   |          |       |
| 3) History and/or Philosophy of Education ..... 2   |          |       |
| 4) Methods of Teaching-Reading ..... 2  |          |       |
| 5) Pre-Student Teaching-Clinical Experiences Equivalent to 100 Clock Hours ..... 2  |          |       |
| 6) Semester-hours on the psychology of exceptional children and methods of teaching exceptional children--bearing disabilities must be explicitly included in this coursework ..... 5   |          |       |
| 7) Student Teaching (Grades K-9) ..... 3  |          |       |
| 8) Electives to Total 16 Semester-Hours ..... 3   |          |       |
| * Applicants with teaching experience at the K-9 level, as verified by the employer, need not complete pre-student teaching clinical experience.  |          |       |
| c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants ** Applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience. |          |       |
| d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part).  |          |       |
| e) Electives to Total ..... 120   |          |       |

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(Source: Amended at 24 Ill. Reg. 720.06-2 effective  
 MA 1/20/00)

## Section 25.30 Requirements for Initial Secondary State High-School Certificate

- a) Each applicant shall either:
- 1) have completed an approved Illinois teacher preparation program or a comparable program in another state or country (see Sections 25.425 and 25.495 of this Part); or
  - 2) hold a valid certificate issued by another state and have less than four years of teaching experience as defined in Section 25.11(g) of this Part.
- b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants Semester-Hours--a) General-Education-----b) effective  
 the requirements contained in subsections (1) through (6) of this subsection (a) shall remain in force through June 30, 1992, whereafter, the requirements set forth in paragraphs (7) through (11) of this subsection shall take effect:
- 1) Language Arts-----b
  - 2) Science and/or Mathematics-----b
  - 3) Social Science (including a course in American History and/or Government)-----b
  - 4) Humanities-----b
  - 5) Health and Physical Education-----b
  - 6) Electives to complete 42 semester-hours\*
- \* General education must total 42 semester hours and may include electives from the above fields and psychology, excluding educational psychology.
- 7) Communication Skills-----b
  - a) Oral Communication-----b
  - b) Written Communication-----b
  - 8) Mathematics and Science-----b
  - a) Mathematics-----b
  - b) Biological and Physical Sciences (including one laboratory course)-----b
  - 9) Humanities-----b
  - a) American History-----b
  - b) English-----b
  - c) History and/or Foreign Language and/or Literature and/or Fine Arts (Art, Music, Theatre) and/or Languages and/or Philosophy to total-----b

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- 10) Social Science\*-----b
  - a) American Government-----b
  - b) Political Science and/or Anthropology and/or Cultural Geography and/or Economics and/or Psychology and/or Sociology to total-----b
  - 11) Health and Physical Development-----b
  - a) Health and/or Physical Development-----b
  - b) Physical Development-----b
  - Total 47-----b
- \* At least one 3-semester-hour course must be taken in non-Western or Third-World cultures from either the Humanities or Social Science.
- \*\* Courses in American History or History may be applied toward meetings either the Humanities or the Social Science requirements.
- |   | Semester | Hours |
|---|----------|-------|
| b) Professional Education-----b   |          | 16    |
| 1) Educational Psychology, including Human Growth and Development-----b   |          |       |
| 2) Methods and Techniques of Teaching on the Secondary Level or in a Teaching Field-----b   |          | 2     |
| 3) History and/or Philosophy of Education-----b   |          |       |
| 4) Pre-student Teaching Clinical Experiences Equivalent to 100 Clock Hours-----b  |          | --    |
| 5) Coursework equivalent to three (3) semester hours on the psychology of exceptional children and methods of teaching exceptional children and learning disabilities must be explicitly included in this coursework-----b  |          |       |
| 6) Student Teaching (Grades 6-12)-----b   |          | 5     |
| 7) Electives to Total 16 Semester-Hours*-----b  |          | 5     |
| * Applicants with teaching experience at the 6-12 level, as verified by the employer, need not complete pre-student teaching clinical experiences.  |          |       |
| c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that applicants * Applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the |          |       |



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employer, need not complete another student teaching experience. \*\*\*  
professional education must total 16 semester hours and may include  
electives in the above fields and/or guidance tests and measurements  
methods of teaching reading and instructional materials.

	Semester	Hours
d) One major area of specialization -----32 totaling 32 semester hours is required. Coursework that meets Semester hours counted for the purpose of meeting the institution's general education requirements may also be counted for certification in the major and/or minor field of specialization.		

	Semester	Hours
a) Electives -----25		
b) Each applicant shall be required to pass the test of basic skills and the applicable test of subject-matter knowledge (see Subpart I of this Part).		+20

(Source: Amended at 24 Ill. Reg. 7206 effective  
May 1, 2000)

Section 25.35 Temporary Provisions for the Acquisition of Subsequent Standard Certificates

Until applicable standard teaching examinations are in place on July 1, 2003, whichever occurs first, the provisions of this Section shall apply when an individual who already holds one or more Illinois standard teaching certificates applies to receive an elementary or high school certificate through transcript evaluation.

- a) The applicant shall submit to the State Teacher Certification Board, through the office of a regional superintendent of schools:
- 1) a completed application form;
  - 2) an official transcript of any college credits not already on file with the Certification Board;
  - 3) a letter, signed by the superintendent of the employing district or other authorized official, documenting at least three months' full-time teaching experience on a valid Illinois elementary, secondary, special, or early childhood certificate and the application fee required by Section 21-12 of the School Code.
- b) An applicant shall qualify for the certificate in question if he or she demonstrates that he or she has met the professional education requirements that, prior to May 1, 2000, were enumerated in Section 25.20(b) or Section 25.30(b) of this Part, as applicable.
- c) A deficiency statement shall be issued when an applicant does not qualify for the requested certificate. An applicant who receives a

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deficiency statement shall present it to an institution that operates a teacher preparation program approved pursuant to Subpart C of this Part. With the assistance of the State Board of Education, the institution shall:

- 1) compare the applicant's deficiency to the coursework it offers that corresponds to the NCATE standards for professional education (see Section 25.115 of this Part); and
  - 2) advise the applicant as to the coursework needed to remedy the deficiency.
- d) An applicant may remove deficiencies and qualify for the certificate on the original fee, provided that he or she completes the requirements and passes the tests of basic skills and subject matter knowledge on or before June 30, 2003.

(Source: Added at 24 Ill. Reg. 7206 effective  
May 1, 2000)

Section 25.40 Requirements for Initial State Special K-12 Certificate

- a) Each applicant shall either:
- 1) have completed an approved Illinois teacher preparation program or a comparable program in another state or country (see Sections 25.425 and 25.495 of this Part); or
  - 2) hold a valid certificate issued by another state and have less than four years of teaching experience as defined in Section 25.11(g) of this Part.
- b) The professional education requirements for the initial special K-12 certificate (in semester hours) are:

	Semester	Hours
a) General Education -----		42
The requirements contained in subsections (1) through (6) of this subsection (42) shall remain in force through June 30, 1992. Thereafter, the requirements set forth in paragraphs (7) through (11) of this subsection shall take effect:		
1) Language Arts -----	8	
2) Science and/or Mathematics -----	6	
3) Social Science, including a course in American History and/or Government -----	6	
4) Humanities -----	6	
5) Health and Physical Education -----	6	
6) Additional work to total -----	42	
7) Communication Skills -----	9	
A) Oral Communication -----	3	
B) Written Communication -----	6	

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[illegible]

\*  
 1. The first step is to identify the problem. This involves understanding the current situation and what is causing the issue. It is important to gather all relevant information and consult with stakeholders to ensure a comprehensive understanding of the problem.

\*\*\*  
 Courses in American History of History may be supplied to over-  
 meeting for the first time  
 Lectures

	Semester	Hours
<b>b) Professional-Education*</b>		16
1) Educational Psychology, including Human Growth and Development	1	2
2) Methods and Techniques of Teaching in the area of specialization	2	2
3) History and/or Philosophy of Education	2	2
4) Pre-student Teaching Clinical Experiences at the Elementary and Secondary Levels Equivalent to 100 Clock Hours in the Area of	--	--

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Specialization\*\*\*~~total~~ 5

5) Coursework, equivalent to three (3) semester hours, on the psychology of exceptional children. Identification of exceptional children, and methods of teaching exceptional children. Learning Disabilities must be explicitly included in this coursework.

6) Student Teaching in Area of Specialization and at K-12 Level\*\*\* 5

7) Electives to Total 16 Semester Hours (may include additional coursework in the areas enumerated in this (b) and/or in ~~\*\*\*~~ professionals-education-must-total-16-semester-hours may include electives in the above fields and/or guidance, tests and measurements,

\*\*\* Applicants with teaching experience in the field of specialization, as verified by the employer, need not complete pre-student teaching clinical experience.

\*\*\* Applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience.

One major area of specialization totaling 32 semester hours is also required. Coursework that meets the institution's general education requirements may also be counted for certification in the major and/or minor field of specialization.

Semester		Hours
a) Areas of Specialization-----		32
Semester-hours counted for the purpose of meeting the general education requirements may also be counted for certification in the major and/or minor field of specialization		
b) Electives-----		95
TOTAL-----		120
(Source: <u>Minnesota</u> at 24 Ill. Reg. <u>72 06</u> effective <u>7/1/2000</u> )		
Section 25.80 Requirements for Initial Early Childhood Certificate		

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**Certificates**

- a) Each applicant shall either:
- 1) have completed an approved Illinois teacher preparation program or a comparable program in another state or country (see Sections 25.425 and 25.495 of this Part); or
  - 2) hold a valid certificate issued by another state and have less than four years of teaching experience as defined in Section 25.11(g) of this Part.
- b) The professional education requirements for the initial early childhood certificate (in semester hours) are:

The requirements contained in subsections (e) through (f) of this Section shall remain in force through June 30, 1999. Hereafter, the requirements set forth in subsection (f) of this Section shall take effect.

	Semester	Hours
a) General Education		78
1) Language Arts	9	
2) Science	7	
3) Social Science (including American History and/or Government)	7	
4) Humanities (including work in Music and Art)	6	
5) Health and Physical Education	3	
6) Additional work (46 semester hours) in any of the first four fields above and/or Psychology to total	78	
b) Professional Education		22
1) Child growth and development with emphasis on the young child	3	
2) History and philosophy of early childhood education	3	
3) Types of instructional methods including study of activity/learning centers individualization, educational play, and media and their utilization in extending the child's understanding of art, music, literature, reading, instruction, mathematics, natural and social science	6	
4) Health and nutrition for the young child	2	

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5) Child, family and community relationships	3	
6) Coursework equivalent to three (3) semester hours on the psychology of exceptional children, identification of exceptional children, and methods of teaching exceptional children, bearing disabilities must be explicitly included in this coursework	5	
7) Practicum in a pre-school program of those who have had five semester hours of student teaching at the pre-kindergarten or the primary grade level (K-3) and who have had teaching experience are not required to take another practicum at the preschool level. Applicants seeking this waiver should secure official letters from the employing school district and/or the college or university documenting the nature and duration of their teaching and the grade level of their student teaching assignment.		
c) General electives to make a total of	Semester	Hours
		120
d) The following minimum requirements are effective as of July 1, 1998. However, as of July 1, 1992, the requirements set forth in subsection (e) of this Section shall become effective.		
1) General Education		78
A) Language Arts	9	
B) Science	7	
C) Social Science (including American History and/or Government)	7	
D) Humanities (including work in Music and Art)	6	
E) Health and Physical Education	3	
F) Additional work (46 semester hours) in any of the first four fields above and/or Psychology to total	78	
2) Professional Education		
A) Child growth and development with	Semester	Hours
		32

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- B) emphasis-on-the-young-child-----  
 History-and-Philosophy-of-----early  
 childhood-education-----  
 C) types-of-instructional-methods  
 including-types-of-activity/learning  
 centers-----individualization  
 educational-play-and-media-and-their  
 utilization-in-extending-the-child's  
 understanding-of-----art-----music  
 literacy-----reading-----instruction  
 mathematics-----natural-----and-----social  
 sciences-----  
 B) Methods-of-teaching-reading-with  
 emphasis  
 on-the-young-child-----  
 techniques-----and-----methodologies-----of  
 teaching-language-arts-mathematics  
 science-----and-social-studies-----at-the  
 primary-level-----  
 the-development-and-acquisition-of  
 language-in-young-children-----  
 C) child-----family-----and-----community  
 relationships  
 B) Coursework-equivalent-to-three-(3)  
 semester-hours-on-the-psychology-of  
 exceptional-children-identification  
 of-exceptional-children-and-methods  
 of-teaching-exceptional-children  
 hearing-----disabilities-----must-be  
 explicitly-----included-----in-----this  
 coursework-----  
 pre-student-----teaching-----clinical  
 experiences-equivalent-to-180-clock  
 hours-including-----experience-----with  
 infants/toddlers  
 preschool/kindergarten-children-and  
 primary-school-students  
 B) Student-teaching-----  
 those-who-have-had-five-----semester  
 hours-of-student-teaching-at-the  
 primary-grade-level-(K-3)-and-who  
 have-had-teaching-experience-are-not  
 required-to-take-another-practicum-at  
 the-preschool-level-----Applicants  
 seeking-this-waiver-must-submit  
 official-letters-from-the-employing  
 school-district-and/or-the-college-or  
 university-documented-the-nature-and

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- duration-of-their-teaching-and-the  
 grade-level-of-their-student-teaching  
 assignment-----  
 B) Electives-in-professional-education----- 3 Semester-Hours  
 C) General-electives-to-make-a-total-of----- 120  
 e) The-following-minimum-requirements-are-effective-as-of-July-1,-1992-  
 A) General-Education  
 A) Communication-Skills----- 9  
 i) Oral-Communication----- 3  
 ii) Written-Communication----- 6  
 B) Mathematics-and-Science----- 6  
 i) Mathematics-----  
 ii) Biological-----and-----Physical  
 Sciences-(including-one  
 laboratory-course)----- 12  
 C) Humanities----- 3  
 i) American-History-- 3  
 ii) English-and/or  
 iii) Literature-and/or  
 iv) Foreign-Language-and/or  
 v) Fine-Arts---(Art--Music--Theater)  
 and/or  
 vi) Linguistics-and/or  
 viii) Philosophy-----total  
 B) Social-Science----- 3  
 i) American-Government-----  
 ii) Political-Science-and/or  
 iii) Anthropology-and/or  
 iv) Cultural-Geography-and/or  
 v) Economics-and/or  
 vi) Sociology-and/or  
 viii) Society-to-total----- 9  
 B) Health-and-Physical-Development  
 i) Health-and/or  
 ii) Physical-Development  
 Additional-study-in-one-of-the  
 disciplines-listed-in  
 subsections  
 re(i)(i)(B)--(C)--and-(D)--including-a  
 minimum-of-9-semester-hours-of-upper  
 division-coursework----- 18  
 \* At-least-one-3-semester-hour-course-must-be-taken-in

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non-Western--or--third-World--cultures--from--either--the Humanities--or--Social--Science

\*\* Courses in American History or History may be applied toward meeting--either--the--Humanities--or--the--Social--Science requirements:

+ Institutions which have approved programs may submit combinations--of--disciplines--(e.g.,--literature--and linguistics--or--anthropology--and--sociology)--which--utilize similar--methods--of--inquiry--and--criteria--for--evaluation--of knowledge--(e.g.,--use--of--scientific--method--or--use--of--historical--or--literary--documents)--as--a--substitute--for--a--single discipline--in--accordance--with--Section--25-11b7

## Semester Hours

- 2+ Professional Education
- 1)A) Child growth and development with emphasis on the young child----- 32
- 2)B) History and philosophy of early childhood education----- 3
- 3)C) Types of instructional methods, including types of activity/learning centers, individualization, educational play, and media and their utilization in extending the child's understanding of art, music, literature, reading instruction, mathematics, natural and social sciences----- 2
- 4)B) Methods of teaching reading, with emphasis on the young child----- 4
- 5)B) Techniques and methodologies of teaching language arts, mathematics, science and social studies at the primary level----- 2
- 6)B) The development and acquisition of language in young children----- 3
- 7)B) Child, family and community relationships----- 3
- 8)B) Coursework, equivalent to three (3) semester hours, on the psychology of exceptional children, identification of exceptional children and methods of teaching exceptional children. Learning disabilities must be explicitly included in this

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coursework----- 5

9)A) Pre-student teaching clinical experiences equivalent to 100 clock hours, including experience with infants/toddlers, preschool/ kindergarten children, and primary school students

10)A) Student teaching----- 5

those--who--have--had--five--semester hours--of--student--teaching--at--the primary--grade--level--(K-3)--and--who have--had--teaching--experience--are--not required--to--take--another--practicum--at the--preschool--level. Applicants seeking--this--waiver--shall--secure official--letters--from--the--employing school--district--and/or--the--college--or university--documenting--the--nature--and duration--of--their--teaching--and--the grade--level--of--their--student--teaching assignment.

11)A) Electives in professional education----- 3

c) Those who have had five semester hours of student teaching at the primary grade level (K-3) and who have had teaching experience are not required to take another practicum at the preschool level. Applicants seeking this waiver shall secure official letters from the employing school district and/or the college or university documenting the nature and duration of their teaching and the grade level of their student teaching assignment.

d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part).

## Semester-Hours

120

3) Semester electives to make a total of----

(Source: Amended at 24 Ill. Reg. 7206 effective

MAY 1, 2000)

## SUBPART F: GENERAL PROVISIONS

## Section 25.425 Individuals Prepared in Out-of-State Institutions

An applicant who holds or is eligible to hold another state's teacher, school service personnel, or administrative certificate may be granted a corresponding Illinois certificate upon the following conditions:

a) All statutory requirements and professional education and area of specialization requirements as defined for each certificate in this Part in effect in Illinois at the time application is made are met and

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verified through a transcript evaluation of credits, if the individual comes from a state with which reciprocity has not been established pursuant to Section 25.495 of this Part.

- b) All non-educational requirements (e.g., age, citizenship or declaration of intent, good character, experience for administrative certification) are met.
- c) The institution in which the program and degree the applicant completed was recognized by the state agency in the state in which the institution is located and qualified the person for eligibility for certification in that state, in accordance with Section 25.495 of this Part.

d) The out-of-state certificate for which the applicant is eligible is comparable to the Illinois certificate for which application is made. A comparable certificate shall be determined on the basis of:

- 1) the degree to which the grade level of certification in Illinois is most nearly like that of the other state (e.g., a K-6 certificate in another state most nearly approximates the Illinois K-9 certificate and therefore would be comparable); and/or

- 2) the subject area for which a certificate is endorsed or an area of school service or administration in Illinois is most nearly like that of the other state (e.g., a principal's certificate in another state most nearly approximates the Illinois General Administrative endorsement on the Administrative Certificate and therefore would be comparable.)

e) A candidate whose credentials were earned at an institution outside the United States shall submit the documents prepared by the foreign institution to one of the evaluation services listed in subsection (f) of this Section.

- 1) After reviewing the documents submitted, the service shall provide to the secretary of the State Teacher Certification Board a statement identifying the degree held by the individual and indicating whether or not the individual has been prepared as a teacher. The services shall also provide a list of the courses completed, with the credits earned equated to semester hours.

- 2) The transcript provided by the service pursuant to subsection (e)(1) of this Section shall be reviewed to determine whether the individual qualifies for a certificate; if so, he or she shall receive such a certificate with all endorsements indicated by the coursework completed.

- 3) If the review of the individual's transcript indicates that he or she does not qualify for a certificate, he or she shall receive a notification of the deficiencies for the certificate.

f) The evaluation services that are approved to review foreign credentials for purposes of Illinois certification are:

- 1) Consultancy on International Education (CIE)

P.O. Box 2792

Champaign, Illinois 61825-2792

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- 2) Telephone 217/358-9602  
Educational Credential Evaluators, Inc.  
P.O. Box 514070  
Milwaukee, Wisconsin 53202

- 3) Telephone 414/283-3400  
World Education Services, Inc.  
P.O. Box 11623  
Chicago, Illinois 60611-0623

- 4) Telephone 312/722-0887  
International Education Research Foundation, Inc.  
P.O. Box 66940  
Los Angeles, California 90066

- g) Subject areas of endorsement shall be determined in accordance with the applicable provisions of Sections 25.43, 25.45, 25.99, 25.210, 25.220, 25.230, 25.240, 25.322, 25.333, 25.344, and 25.355 of this Part.

(Source: Amended at 24 Ill. Reg. 72 06 effective 7/1/91)

## Section 25.437 Equivalency of General Education Requirements (Repealed)

~~The specific general education requirements of Sections 25.39(a), 25.39(a)(1), 25.40(a), and 25.40(a)(1) of this Part are designed to be an integral part of the preparation for the respective certificates designated in each. It is a graduate from an approved Illinois teacher education program can demonstrate completion of the general education requirements for one of the four certificates, then those general education requirements also shall meet the general education requirements for any of the other three certificate areas.~~

(Source: Repealed at 24 Ill. Reg. 72 06 effective 7/1/91)

## Section 25.495 Approval of Out-of-State Institutions and Programs

- a) The State Board of Education, in consultation with the State Teacher Certification Board, may from time to time enter into reciprocal agreements with other states that entitle candidates who complete approved programs in those states and meet all other applicable Illinois requirements to receive certification in Illinois.

- 1) In order for its candidates to receive reciprocal consideration from Illinois, another state shall have adopted a system for the approval of teacher preparation programs that includes the following elements:

- a) adoption of state standards for program approval;
- b) a requirement that each provider of teacher preparation programs submit to the responsible state agency evidence



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that its programs meet or exceed applicable standards; and  
 c) evaluation of each approved program, including periodic on-site visits by a program evaluation team, no less frequently than once every seven years.

2) A state to whose candidates Illinois extends reciprocal consideration shall make its standards for the approval of teacher preparation programs available upon request by the Illinois State Board of Education or State Teacher Certification Board.

3) A state to whose candidates Illinois extends reciprocal consideration shall permit representatives of the Illinois State Board of Education or State Teacher Certification Board to observe on-site visits to preparation programs seeking approval.

b) When a candidate from a state with which reciprocity has been established pursuant to subsection (a) of this Section applies for an Illinois certificate, he or she shall be required to submit an official transcript from the approved program (and from the program in which a bachelor's degree was earned, if different from the approved program). Each such individual shall also be required to pass the test(s) required under Section 25.11 (b) of this Part unless he or she holds certification issued by the National Board for Professional Teaching Standards.

c) For purposes of this Section, the term "state" includes the District of Columbia and the protectorates and territories administered by the United States.

~~Acceptance of out-of-state institutions--degrees-and-preparation programs leading to an Illinois certificate will-be-made-if-the-state-in-which-the college or university lies:~~

a) ~~Maintains a system of evaluation and approval of teacher education institutions-and-preparation programs-in-response-to-state-defined standards-and-criteria;~~

b) ~~Conducts on-site visits to institutions-as-a-part-of-the-program approval process;~~

c) ~~Evaluates preparation programs at least once every five years;~~

d) ~~Authorities-or-accepts-the-degrees-granted-and-~~  
~~verifies-that-the-degree-obtained-and-preparation-program-completed~~  
~~permits-the-individual-to-qualify-for-a-certificate-under-the-laws-of~~  
~~the-state-or~~

~~in-states-where-the-State-Board-or-state-agency-lacks-authority-to regulate-the-recognition-of-degrees-or-approval-of-teacher-education institutions-and-programs-the-state-agency-will-certify-to-Illinois certification-authorities-that-an-individual's-degree-and-preparation program-fully-entitles-the-issuance-of-a-valid-certificate-in-that state;~~

(Source: ~~Repealed~~ at 24 Ill. Reg. 72 06 effective MAY 1, 1999)

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1) Heading of the Part: Private Business and Vocational Schools

2) Code Citation: 23 Ill. Adm. Code 451

Section Number:	Adopted Action:
451.10	Amendment
451.55	New Section
451.100	Amendment
451.120	Amendment
451.250	Amendment
451.260	Amendment
451.270	Amendment
451.280	Amendment
451.285	New Section
451.420	Amendment
451.500	Amendment
451.520	Amendment
451.530	Amendment
451.555	Amendment
451.580	Amendment

4) Statutory Authority: 105 ILCS 425

5) Effective Date of Amendments: May 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 23 Ill. Reg. 14079; December 3, 1999

10) Has JCER issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In Section 451.120(c)(4), the specific subsection referenced was cited ("subsection (c)(4)"). In Section 451.280(a), the word "herein" in the first sentence was replaced with "in this Section."

12) Have all the changes agreed upon by the agency and JCER been made as indicated in the agreements? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

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14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: P.A. 90-649, effective July 24, 1998, affected several sections of the Private Business and Vocational Schools Act (105 ILCS 425). In particular, the law authorized the delivery of courses of instruction by distance education methods and established a new category of courses called "short courses." The amendments include new Sections 451.55 and 451.285 to address these areas. In addition, numerous other changes have been made to specifically reference requirements for schools that choose to offer courses of instruction through distance education means.

Other changes in the law are more technical in nature and affect the reporting period and content of such reports, date of admission, amount of the registration or application fees, and refund requirements. The regulatory changes necessitated by these amendments have been made in the appropriate sections of the rules.

16) Information and questions regarding this adopted amendment shall be directed to:

Ms. Sheila Radford-Hill  
Alternative Learning Partnerships  
Illinois State Board of Education  
100 West Randolph Street, Suite 14-300  
Chicago, Illinois 60601  
(312) 814-1487

The full text of the adopted amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER m: POSTSECONDARY SCHOOLS

## PART 451

PRIVATE BUSINESS AND VOCATIONAL SCHOOLS

SUBPART A: SCHOOL APPROVAL

Section	Introduction
451.10	Application for Certificate of Approval
451.20	Out-of State School Approval
451.30	Classroom Extensions
451.40	Supplementary Courses of Instruction
451.50	Short Course
451.55	Change of School Location
451.60	Change of School Ownership
451.70	School Closing/Change of Status
451.80	Warning, Suspension, Revocation of Accreditation and/or Approval
451.90	Inspection and Periodic Review
451.100	Cease and Desist Orders
451.110	Comparison of Graduation or Completion Rates
451.120	

SUBPART B: SCHOOL STRUCTURE AND OPERATIONS

Section	School Purpose
451.200	Administration and Organization
451.210	Financial Resources/Financial Recordkeeping
451.220	School Surety Bond
451.230	Liability Insurance
451.235	Recordkeeping
451.240	School Advertising
451.250	School Catalog/Bulletin
451.260	Instructional Program and Services
451.270	Additional Requirements for Home Study and Home Study/in-Residence Schools
451.280	

451.285	Additional Requirements for Distance Education
451.290	Student Work Experience
451.300	Instructional Equipment, Facilities and Materials

SUBPART C: SCHOOL PERSONNEL

Section	
451.400	Administrator Qualifications
451.410	Faculty Qualifications

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- 451.420 Sales Representatives  
451.430 Sales Representative Bond

## SUBPART D: STUDENTS

## Section

- 451.500 Student Admissions Standards  
451.510 Handicapped Students  
451.520 Enrollment Agreements  
451.530 Student Obligations, Cancellation and Refund Policies  
451.540 Student Personnel Services  
451.550 Student Personnel Assistance  
451.555 Student Progress  
451.560 Student Attendance and Tardiness  
451.570 Student Conduct and Discipline  
451.580 Student Rights  
451.590 Student Complaints

**AUTHORITY:** Implementing and authorized by the Private Business and Vocational Schools Act [105 ILCS 425] and Section 11-2.1 of the Public Aid Code [305 ILCS 5/11-2.1].

**SOURCE:** Adopted February 1, 1973; codified at 8 Ill. Reg. 16289; Part repealed, new Part adopted at 14 Ill. Reg. 7518, effective May 3, 1990; amended at 17 Ill. Reg. 22527, effective December 16, 1993; amended at 22 Ill. Reg. 7584, effective April 17, 1998; amended at 24 Ill. Reg. 7229, effective 5/1/2000.

## SUBPART A: SCHOOL APPROVAL

## Section 451.10 Introduction

- a) The State of Illinois recognizes the importance and significant public contributions of private schools offering occupational training to its citizens. It has delegated responsibility for rulemaking and approving and monitoring these schools to the State Board of Education and State Superintendent of Education in the Private Business and Vocational Schools Act [105 ILCS 425], hereinafter referred to as the Act. The Act provides for the establishment of rules and standards that schools and individuals must meet prior to the issuance of original certificates of approval or permits and the renewal of such certificates or permits.
- b) Schools or individuals making original application for approval shall meet all applicable requirements of this Part prior to a certificate of approval or permit being issued. Schools or sales representatives already holding valid certificates of approval or permits shall satisfy all provisions stated herein as a condition for the renewal of their certificate or permit(s).

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- c) Each school shall have a copy of the Act and this Part available for reference by its staff and students at its principal location within Illinois.

## Section 451.55 Short Course

- a) The school shall make application for approval of any short course, as defined in Section 1 of the Act [105 ILCS 425/1], by completing forms provided by the Superintendent and paying the fee specified in Section 10 of the Act [105 ILCS 425/10].
- b) Applications for approval of short courses shall be submitted at least 30 calendar days prior to the date that instruction in the course will begin.
- c) Requirements for approval of short courses shall be the same as those for course approval under Section 451.270 of this Part.

(Source: Added at 24 Ill. Reg. 7229, effective 5/1/2000.)

## Section 451.100 Inspection and Periodic Review

- a) A school shall provide the Superintendent and his/her designee(s) access to all information, records, physical facilities, virtual classrooms, school personnel, including advisory groups and administrators, students and graduates as may be necessary to verify compliance with the Act and this Part.
- b) A school shall permit the Superintendent or his/her designee(s) to inspect the school with or without notice (Section 7(5) of the Act [105 ILCS 425/7(5)]).
- c) A school located in Illinois shall be inspected within the first 18 months after the issuance of its original Illinois certificate of approval.
- d) After an initial inspection prior to original approval, existing schools shall be inspected for the purposes of validating continuing compliance with the Act and this Part and to determine whether the school is adhering to its own policies and procedures and is providing its described programs and services.
- e) Whenever an inspection or other investigation reveals lack of compliance with the Act or this Part, the Superintendent shall send the school a report of deficiencies. The school shall have 15 calendar days to respond to the report on actions that have been taken to correct these deficiencies.
- 1) The school's response shall indicate action that has been or will be taken to correct deficiencies cited.
- 2) If violations cited are not corrected within 30 calendar days following the school's receipt of the report, the Superintendent shall proceed to a hearing to revoke, suspend, or place on probation the school's certificate of approval.

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- 3) A school whose certificate has been placed on suspension shall not be permitted to engage in any marketing or student enrollment activities or begin the instruction of any new students during the period of suspension.
- f) For the purpose of conducting periodic inspections, with 30 calendar days' notice, the Superintendent may require schools located 50 or more miles outside Illinois to furnish in writing the same information reviewed during on-site inspections of schools located in Illinois.

(Source: Amended at 24 Ill. Reg. 7229, effective May 1/79)

**Section 451.120 Comparison of Graduation or Completion Rates**

- a) The following definitions shall apply for purposes of collecting data for comparison of graduation or completion rates as required in Section 14.1 of the Act [105 ILCS 425/14.1] and this Part:
- 1) "Business schools" include but are not limited to schools in which the majority of students are enrolled in courses of instruction or subjects such as accounting, business management, computer programming and operations, court reporting, data entry and reporting, fashion careers, hospital administration, legal, retailing and merchandising, secretarial and office skills, securities and banking, travel, and word processing.
- 2) "Technical or Vocational schools" include trade schools and other schools in which the majority of students are enrolled in courses of instruction or subjects such as art/design, aviation, appliance repair, automotive repair, bartending, commercial arts, computer maintenance, carpentry, cooking, dress technology, dog-grooming, drafting, electronics technology, forestry, heating/air conditioning, horse-shoeing, interior decoration, locksmithing, modeling, sign painting, radio/television broadcasting, shoe repair, truck driving, welding, and allied health occupations such as dental assistant, health aide, medical assistant, medical records, medical technician, nurse's aide/assistant, and pharmacy assistant.
- b) The Superintendent shall annually review and investigate all approved schools and courses of instruction. Such annual review shall include a comparison between the graduation or completion rate for the school and the graduation or completion rate for the schools within the industry the school represents such as business, technical or vocational schools, for the reporting period of July 1 through June 30. Any school that fails to maintain a graduation or completion rate greater than 50% of the average graduation or completion rate for schools within that industry shall be placed on probation for one year. If that school's graduation or completion rate fails to exceed 50% of the average graduation rate for schools within that industry for that school's next reporting period, then the Superintendent shall

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- revoke that school's approval to operate in the State of Illinois (Section 14.1 of the Act).
- c) To satisfy this requirement schools shall submit data annually to the Superintendent that identifies graduation or completion rates.

- 1) Data shall be submitted on forms provided by the Superintendent at the time of application for renewal of the school's certificate of approval.
- 2) Data shall be compiled for the school's last completed reporting period of July 1 through June 30 prior to filing a renewal application and shall be certified true and correct by the owner, officer, or chief managing employee.
- 3) The graduation or completion rate shall be calculated by dividing the total number of students who completed the course of instruction or graduated in that year by the total number of students who were originally scheduled to complete the course of instruction or graduate in that year, as set forth in their enrollment agreements.
- 4) Schools shall maintain records, available for the Superintendent's review, that substantiate the annual graduation or completion rate data submitted. Recordkeeping required in Section 451.240 of this Part will satisfy the requirements of this subsection (c)(4).

(Source: Amended at 24 Ill. Reg. 7229, effective May 1/79)

**Section 451.250 School Advertising**

- a) The school and its agents shall not make or cause to be made any oral, written, or visual presentation in connection with the offering or publicizing of a subject or course of instruction that is false, deceptive, inaccurate, or misleading.
- b) A school shall submit with its original application all materials designed for direct mailing or media presentation in Illinois to the Superintendent for review for compliance in accordance with standards set forth in this Part. In its advertising, a school shall:
- 1) limit reference to its approved status to: "Certificate of Approval To Operate Issued By the Illinois State Superintendent of Education";
  - 2) disclose whether it is a distance education, distance education/in-residence, home study or home study/in-residence school if it provides such instruction;
  - 3) use photographs or other illustrations of school facilities only if these are the facilities being used to provide instruction (in the case of national advertising, the facilities shown must be representative of those that will be used);
  - 4) use photographs or other illustrations in ways that accurately

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portray the size and location of the school, its equipment and facilities or the career for which the student is being trained (in the case of national advertising, the school, equipment, and facilities portrayed must be representative of those that will be used or provided);

5) advertise starting salaries of its former students only if these claims can be documented for the most recent reporting period of July 1 through June 30.

c) In its advertising, a school shall not:

- 1) describe its courses of instruction and subjects in a manner other than the approved title designations recorded on its current certificate of approval;
- 2) represent that it is endorsed by or affiliated with a college or university or other school of higher learning unless such statement is true;
- 3) advertise the transferability of its credits to colleges or universities unless it has written evidence on file of current acceptability of such credits from colleges and universities, state approval and accrediting authorities, or the American Council on Education;

4) advertise it is endorsed by manufacturers, business establishments, or organizations engaged in the line of work for which it gives training unless it has on file written evidence of each such endorsement with the name and address of the endorser and the date of endorsement;

5) advertise accredited status unless such status has been received from an accrediting body currently listed as recognized by the U.S. Department of Education;

6) advertise as an employment agency or under the same or similar name as such an agency or knowingly advertise training courses in the "Help Wanted" section of any newspaper;

7) make statements assuring or guaranteeing membership in a union or other organization as a result of completing the course of instruction unless this fact can be documented;

8) advertise any tuition, fees, or other charges in amounts other than those currently on file with the Superintendent or advertise them without showing the total cost, including fees;

9) represent that a course of instruction has been recently revised, that it has a revision system or service, or represent in any manner its ability to keep a course of instruction current unless this can be verified.

d) A school making original application or seeking approval for a new course of instruction may submit a written petition to the Superintendent requesting permission to advertise prior to receipt of approval. The school will be authorized to advertise for a period no longer than 90 calendar days prior to its projected starting date. The authorization will be granted within ten business days after receipt of:

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1) a completed application; and

- e) A school approved by the Superintendent that advertises or offers instruction via the Internet or other electronic telecommunication media shall state, both on the home page of its web site, if applicable, and in its catalog/bulletin, that the school is authorized for operation pursuant to the "Certificate of Approval To Operate Issued By the Illinois State Superintendent of Education, 100 North First Street, Springfield, Illinois 62777." In the case of an Internet site, the required statement must include a picture/button link to the State Board of Education's Private Business and Vocational Schools' home page that lists all the Private Business and Vocational schools that the State Board of Education has approved for operation.
- f) The school receiving approval to advertise shall adhere to the requirements provided in this Section. It shall not advise or advertise it is approved until a certificate of approval has been received from the Superintendent.

(Source: Amended at 24 Ill. Reg. 72 29, effective 9/1/00)

## Section 451.260 School Catalog/Bulletin

a) The catalog/bulletin shall be the school's principal printed means to explain its operations and requirements to prospective and enrolled students. It shall be current, complete and accurate for each school term.

b) A school shall furnish each applicant with a copy of its most recent catalog/bulletin, together with any supplements and/or errata sheets prior to the applicant's signing of an enrollment agreement.

c) Descriptions of courses of instruction and subjects shall be consistent with curricula previously approved by the Superintendent.

d) If the catalog/bulletin includes names of instructors, such names shall be accurate as of the date of issue of the school's certificate of approval.

e) At the time of renewal application the school shall submit three copies of its current catalog/bulletin and supplements and errata sheets.

f) The catalog/bulletin shall include the following information:

- 1) the school's philosophy or mission and objectives;
- 2) month and year of publication;
- 3) names, addresses, and telephone numbers of the school's administrative offices and all teaching locations;
- 4) a description of each course of instruction in clock hours or credit hours, including whether the delivery method is in-residence, home study, distance education or some combination of these methods;
- 5) criteria for the issuance of certificates and/or diplomas;

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- 6) admissions policies, including prerequisites for admission;
- 7) grading scales and standards of student progress;
- 8) specific policies on advanced standing, if any;
- 9) schedule of tuition, fees and costs for books, supplies, equipment, services, rentals, deposits, housing costs;
- 10) methods of student payment;
- 11) the school's refund policy for unearned tuition, books, fees, and other charges;
- 12) academic calendar;
- 13) policies pertaining to absences and tardinesses and rules of conduct or a statement indicating where such policies may be found;
- 14) procedures for obtaining student transcripts;
- 15) a description of student services, if any;
- 16) a description of the placement assistance offered, if any;
- 17) minimum equipment, which shall include, but not be limited to, the specifications for hardware, modem, memory capacity and speed; software; and services that students must supply for participation in any course of instruction; and
- 18) a description of the school's procedures for receiving and processing student complaints in conformance with the requirements of Section 451.590 of this Part.

g) The catalog/bulletin shall include the following notice:  
 "Certificate of Approval To Operate Issued by the Illinois State Superintendent of Education, 100 North First Street, Springfield, Illinois 62777."

h) Supplements or errata sheets for the catalog/bulletin shall be filed with the Superintendent before or at the time of implementation of changes and shall include the date of printing thereon. In the event that information on a supplement or errata sheet supersedes other information in the catalog/bulletin, the sheet shall indicate this fact and identify the page and location of the superseded information in the catalog/bulletin.

(Source: Amended 24 Ill. Reg. 7229, effective  
 MAY 1, 2001)

## Section 451.270 Instructional Program and Services

- a) A school shall design courses of instruction that impart knowledge, develop skills, and effectively prepare students for employability in the occupations for which they are being trained.
  - 1) Approved courses shall be implemented fully and taught in accordance with conditions for approval set by the Superintendent as required in this Section.
  - 2) The school shall evaluate and update its approved curriculum on forms and with procedures of its own design.
- b) A school's objectives for its courses of instruction shall be

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consistent with its purpose and shall be supported by policies and procedures that develop performance standards to be used in measuring the accomplishment of its students.

- c) No course of instruction or subject shall be taught without written approval from the Superintendent in accordance with subsections (c)(1) and (c)(2).

- 1) The school shall not make any major changes in its approved courses or subjects, including the method by which the course is delivered, without prior consent from the Superintendent.

- 2) The Superintendent shall approve changed courses only after applying the same criteria set forth in this Section for granting original course and subject approval.

- d) A school shall establish explicit objectives regarding student learning for each course of instruction and subject offered. The objectives shall include statements of the specific knowledge and skills each student must achieve by the time of course completion.

- e) A school shall have current, comprehensive, organized, and detailed instructional outlines, courses of study, syllabi, teaching guides, and lesson plans that indicate scope and sequence of subject matter and learning experiences sufficient for students to achieve announced objectives for each course of instruction and subject.

- 1) Each teacher shall have the school's curriculum materials for assigned subjects in his/her possession and be knowledgeable of their contents prior to teaching these subjects.

- 2) The school's administration shall require each teacher to use the school's curriculum materials.

- f) A school shall determine the total number of hours required for completion of each course of instruction and subject and the total amount of time to be devoted to each phase within each course and subject.

- 1) The school shall establish the number of hours students are to spend in classroom, practice, and work experience.

- 2) The school shall determine the educational content and length of the period of study for each course and subject only after considering and appraising information derived from research data, previous instructional experiences, the practices prevailing in public and other private schools and in military, business, and industrial training programs.

- 3) The comprehensiveness, content, and length of the school's courses of instruction shall be consistent with its explicit learning objectives.

- g) A school shall utilize instructional methods that facilitate achievement of student learning objectives.

- 1) Instructors shall be competent in the methods the school has adopted as most appropriate for its curriculum and students.

- 2) The chief managing employee shall ensure that instructors apply the methods adopted.

- h) The school shall use textbooks, instructional materials and/or



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software consistent with its identified curricular objectives for each of its courses of instruction and subjects.

- 1) The school shall maintain the following information on its texts and home study and distance education lessons currently in use:

- 1) titles;
- 2) authors and/or contributing subject matter specialists;
- 3) publishers;
- 4) copyright dates.

- j) A school shall have samples of all tests and other student evaluation devices used by the school available for the Superintendent's inspection for a period of not less than one calendar year following such use.

- k) In-residence, home study/in-residence, and distance education schools shall maintain and, upon the request of the Superintendent, provide their policies for limiting:

- 1) the number of classes an instructor may be assigned to teach on any day when the school is in session;
- 2) the total number of students the instructor may be assigned to teach in any week;
- 3) the total number of different subject preparations an instructor may be assigned to teach on any day in any week.

- l) In-residence, home study/in-residence, and distance education schools shall maintain and, upon request of the Superintendent, provide their policies for determining maximum student/instructor ratios for each course of instruction and each subject within the course. Student/instructor ratio policies shall:

- 1) be varied to conform to the requirements for different courses of instruction and subjects; and
- 2) give the rationale used to determine how the maximum class sizes for different courses and subjects were determined.

- m) Except in circumstances where the school has presented evidence that the standards it uses are as effective in ensuring an opportunity for students to achieve stated course objectives, specifications ratios for classroom instruction shall not exceed 30:1 and for laboratory or clinical instruction shall not exceed 20:1.

- n) Home study schools, home study/in-residence schools and distance education schools shall maintain and, upon request of the Superintendent, provide policies for determining the total number of instructor hours required weekly to process, correct, and return home study and distance education lessons and examinations. The policies shall provide for instructor responses to examinations with comments and suggestions for corrections of errors and apparent weaknesses to be returned within seven business days after receipt of the lessons and examinations at the school.

- o) In-residence schools shall not assign an instructor to teach more than one subject, or cause any instructor to be responsible for instruction in two separate classrooms, during the same class period. An instructor may teach more than one level of the same subject during

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the same class period, provided that in each such instance the school shall ensure that the instruction provided to each student is appropriate to his or her level. Evidence of compliance with this requirement shall be:

- 1) individual instructional programs; or
- 2) class grouping and instruction by ability level.

- p) Approval of a course of instruction shall be continuous, provided:

- 1) the school continues to have approved status;
- 2) the scope and sequence of the course is the same as that previously approved by the Superintendent;
- 3) the course of instruction has been taught during the previous approval year;
- 4) the school continues to have approved instructors for the course of instruction pursuant to Section 451.410 of this Part; and
- 5) the method of delivery for the course of instruction has not changed.

(Source: Amended at 24 Ill. Reg. 72 2 9, effective MAY 1 2000)

#### Section 451.280 Additional Requirements for Home Study and Home Study/In-Residence School

- a) The Superintendent shall approve home study courses of instruction only after determining that they meet the requirements stated in this Section. The home study school shall provide the Superintendent with a description of each course indicating all materials supplied to the student. The Superintendent may request such materials for any of the courses, and the school shall supply the materials it sends to its students for that course.
- b) The home study course of instruction shall be:

- 1) suitable for a student to learn by self-direction with assistance that will be provided by the school;
- 2) consistent with the educational background, reading ability, and interests of the school's students;
- 3) organized sequentially in units with transitional materials to guide students through the course of instruction;
- 4) designed to be current, and to meet actual job requirements for the school's graduates;
- 5) master the necessary skills and knowledge required for employment in the occupation for which they are being trained;
- 6) designed to permit the student to measure his/her progress and to apply knowledge learned (e.g., student checklist, examinations, sample problems and exercises).

- c) Except for material especially included to give instructions and to assist and encourage the student to complete his/her studies

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successfully, the home study course of instruction shall be limited to subject matter, pictures, and graphics that are relevant to the course's specific occupational objectives.

- d) Home study examinations shall:
- 1) measure the extent of the student's mastery of each lesson and of the total course of instruction;
  - 2) correspond with course objectives and the requirements for employment in the field.
- e) The home study school shall maintain a progress evaluation record.
- f) Prior to the approval of any course of instruction, the home study school shall provide the Superintendent with:
- 1) names of the authors and/or contributing subject matter specialists for all lessons and instructional materials, including a statement of their qualifications in the instructional field;
  - 2) minimum passing scores for its tests and examinations.
- g) A home study/in-residence school shall not use the home study portion as the principal basis for the in-residence phase of instruction.
- 1) The school may use home study materials for a short review at the beginning of the in-residence phase.
  - 2) The school shall not allow a student who has not successfully completed all home study examinations with passing grades to enter the in-residence phase of instruction.
- h) Unless otherwise specified, all requirements in this Part for in-residence schools shall apply to the in-residence phase of a home study/in-residence course of instruction.
- (Source: Amended at 24 Ill. Reg. 7220 effective 6/1/2006)

## Section 451.285 Additional Requirements for Distance Education

For the purposes of this Section, distance education courses of instruction include those in which all or any part of the instruction is delivered via the Internet or by other electronic telecommunication media.

- a) A school wishing to offer distance education courses of instruction shall meet the following conditions:
- 1) have a physical presence in the State of Illinois, which is defined as:
    - A) an instructional site within the State; or
    - B) offering instruction within or originating from Illinois; or
    - C) using local advertising markets in the State; and
  - 2) meet the requirements of Section 1 of the Act and Sections 451.20 and 451.30 of this Part.
- b) For any new distance education course of instruction, the school offering the course also shall be subject to the requirements enumerated in Sections 451.270 and 451.280 of this Part.
- c) Any school proposing to offer via distance education methods an

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existing course of instruction that has already been approved under Sections 451.270 and 451.280 of this Part also shall meet the requirements of this Section.

- d) The school offering distance education courses of instruction shall provide to the Superintendent:
- 1) a description of each distance education course indicating all of the materials, including software, necessary for course completion. If software is to be required, then a copy of each software package shall be submitted to the Superintendent; and
  - 2) the definition of what constitutes a distance education lesson, including what evidence will be employed to determine when a lesson has been completed. Such evidence could include completion of written assignments, instructor feedback, evaluations, reports, or on-line time sufficient so that the student can demonstrate progress toward meeting learning outcomes of the distance education course of instruction.
- e) Any school offering distance education courses of instruction shall:
- 1) assess each applicant's ability to succeed in the distance education course as prescribed in Section 451.500(e) of this Part;
  - 2) ensure that students admitted possess the background, knowledge, technical skills and equipment necessary to use the technology employed in the course of instruction;
  - 3) provide a plan that includes a list of the infrastructure and personnel that will be employed to support the distance education courses of instruction;
  - 4) ensure that instructional resources, such as additional reading materials and/or hyperlinks to other Internet sites, are reliable, readily available and accessible to instructors and students;
  - 5) employ instructors who meet the requirements of Section 451.410 of this Part;
  - 6) ensure that instructors are trained to use effectively the distance education method employed;
  - 7) provide a sufficient level of interaction between instructors and students so that the students are likely to achieve the learning outcomes of the distance education course of instruction.
- (Source: Added 6/1/2006 at 24 Ill. Reg. 7220 effective 6/1/2006)

## Section 451.420 Sales Representatives

a) Any person whose function is to sell courses of instruction or subjects for any school(s) doing business in Illinois may do so only after securing a sales representative's permit.

- 1) A person initiating any direct action (e.g., via personal contact with an individual or group, including dispensing sales

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literature to a person or group, or contact by telephone) to procure students for the school by requesting, inducing or persuading such prospective students to enroll shall be deemed to be a sales representative.

- 2) A person paid to provide names of prospective students who has not had direct contact with the prospective student shall not be deemed to be a sales representative.
- 3) Sales representatives may be employees of the school or independent contractors employed for sales purposes. The approval of the school by the Superintendent. A permit holder shall comply with the requirements of the Act and this Part.
- c) Sales representative permits shall be nontransferable and shall expire on December 31 of each year.
- d) A school with sales representatives shall maintain and have available for review a description of the procedures used to provide supervision of its representatives to assure compliance with the Act and this Part.
- e) Prior to the issuance of a sales representative's permit card by the Superintendent and as a part of a representative's original application for a permit card, an official of the school shall certify that the applicant has completed the school's prescribed training and has read and understands this Part.
- f) If for any reason the representative's permit card is lost or stolen, the school shall notify the Superintendent by the most expedient means. Upon receipt of a written request the Superintendent shall issue a replacement card without charge.
- g) A sales representative shall, whenever representing a school:
  - 1) report immediately to the administrator or designee at any recruitment site visited prior to any student interviews or presentation;
  - 2) make no statements that are false, misleading or fraudulent;
  - 3) respond upon request with information relevant to the prospective student's enrollment decision, to the extent to which such information is not confidential;
  - 4) use only advertising approved by the school;
  - 5) provide a copy of the school's catalog/bulletin to high school administrators or counselors prior to making any presentation at a high school;
  - 6) disclose information on tuition and other instructional costs upon request by prospective students;
  - 7) explain the student's payment obligations as set forth in the enrollment agreement and explain the school's refund policy;
  - 8) make clear the school's academic policies and code of conduct;
  - 9) accurately describe the school's facilities and living accommodations and explain living costs;
  - 10) give a report on job prospects, if requested to do so;
  - 11) make available for review sample copies of the school's home

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study and distance education lessons prior to the student's signing of the enrollment agreement;

- 12) explain the school's placement assistance, if any, and provide placement statistics as prescribed in the Act and this Part;
  - 13) explain the admission criteria for the school's course(s) of instruction;
  - 14) provide and explain the items of information required to be contained in the enrollment agreement by the Act and this Part;
  - 15) suggest that the prospective student visit the school to talk with teachers, guidance counselors, employment counselors and students.
- h) The sales representative shall not:
- 1) make false, inaccurate or misleading statements concerning any degree, certificate or diploma offered by the school;
  - 2) state that credits from the school are transferable unless such claims are supported by documentation (e.g., a letter or some form of communication attesting to the transferability of the credits) in the school's files;
  - 3) recommend a prospective student for acceptance unless the representative has reason to believe he/she has a chance to succeed;
  - 4) distribute or provide access to home study or distance education lessons to be used in the course of instruction until the prospective student has been officially accepted by the school;
  - 5) collect any fee other than the enrollment fee prior to the student's official acceptance;
  - 6) represent that any commodity or service is free when, in fact, such commodity or service is regularly included as part of a course for which tuition or any other fee is paid;
  - 7) *solicit prospective students within 100 feet of any Illinois Department of Public Aid Office (Section 11-2.1 of the Public Aid Code (305 ILCS 5/11-2.1)).*
    - i) The school shall monitor its representatives' activities and sales and marketing practices and immediately investigate and resolve complaints about their activities. The school shall be accountable for the adherence of its sales representatives to the Act and this Part.
    - j) Whenever a sales representative leaves the school's employment, the school shall within five business days send the sales representative's notice of discharge or termination to the Superintendent.
    - 1) When the school is unable to send the representative's permit card with the notice, it may notify the Superintendent that it will return the card within 30 business days after the leaving date.
    - 2) If the card has been lost or destroyed, or if the sales representative refuses to return the card, the school shall send a written notice to this effect to the Superintendent.
  - k) Illinois schools shall require new sales representatives with permits to sell in Illinois to visit the principal location of the employing

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school(s) prior to beginning sales activities. Out-of-state schools shall require new sales representatives to visit the principal location of the employing school(s) within 60 days after initial employment.

(Source: Amended at 24 Ill. Reg. 72.29, effective MAY 1 2000)

## SUBPART D: STUDENTS

## Section 451.500 Student Admissions Standards

- a) The school shall provide to each prospective student its specific admission requirement for each course of instruction. Such requirements shall include evidence of satisfactory completion of secondary education or the GED examination, and/or other evidence predicting probable success of the student in the course of instruction. Schools not requiring successful completion of high school or the GED shall provide the Superintendent with evidence (e.g., letters or similar communications from employers) that such completion is not normally required for persons seeking placement in the occupations for which it trains students. The school shall maintain verifiable evidence that each student meets the school's admission standards for the course of instruction in which enrolled and that the admission standards provide reasonable indication of the student's potential for successful completion of the course of instruction.
- b) A school shall evaluate each applicant's qualifications prior to his/her acceptance or rejection and shall, for seven years, maintain records of this action for the superintendent's inspection. The records should include specific, verifiable evidence that each student admitted has sufficient aptitude to meet the school's standards for admission into the course in which the student has enrolled.
- c) When the school admits an applicant who does not meet all of its admissions standards, it shall record the reasons why the student was permitted to enroll and so inform the student.
- d) A school may require applicants who do not meet its requirements for admission to satisfactorily complete remedial instruction prior to full admission status.
- e) As evidence of student qualification, the school may use such devices or combination of devices as aptitude and ability test results, transcripts, letters of recommendation, proof of previous successful experience in the field, questionnaires, and structured admissions interviews. It may include records of such abilities or qualities as analytical thinking, problem-solving, personal responsibility, awareness of performance, motivation, maturity, promise in the field, leadership abilities, energy, self-confidence, relation of ability to achievement, written/oral expression, mathematical skills, dexterity

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- f) For a distance education course of instruction, an admissions test conducted on-line must include a verification of the student's identity.
  - g) A school shall not refuse to admit applicants on account of race, color, creed, sex, physical or mental handicap unrelated to ability, religion, or national origin (Section 16(11) of the Act [105 ILCS 425/16(11)]).
  - h) Whenever required for licensure or entry into the field for which the applicant is to be trained, the school shall require evidence of a satisfactory physical examination or other specific qualification, such as bonding, prior to admitting the applicant. For example:
    - 1) Applicants for truck driving schools shall meet the Illinois Department of Transportation and Illinois Secretary of State requirements prior to acceptance.
    - 2) Applicants for flight programs shall meet the requirements of the Federal Aviation Administration prior to acceptance.
  - i) A school shall not enroll an applicant under the age of 16 or an applicant enrolled in an elementary or high school in Illinois unless it has established through verifiable and recorded contact with responsible school officials (school superintendent, school principal or designee) that, based on academic performance, the course will not be detrimental to the student's regular school coursework.
  - j) If a school enrolls students in courses of instruction preparing graduates for occupations generally requiring satisfactory completion of the twelfth grade or the GED, it shall require the applicant to provide evidence of equivalent life experience or to furnish an official high school transcript from a recognized high school, a copy of the GED certificate, or a statement signed by the applicant that attests to graduation and includes the date of graduation, name, address, and telephone number of the high school last attended.
  - k) A school, through its catalog/bulletin or similar descriptive literature, shall inform each applicant prior to enrollment about:
    - 1) its specific admissions requirements for each course of instruction that the applicant is considering;
    - 2) the general requirements for entrance into the occupations for which the student seeks training;
    - 3) its placement service, if a placement service is provided.
- Statistics for the most recent 12-month reporting period of July 1 to June 30 preceding the date of the school's application for annual renewal of its certificate of approval shall be provided for each course of instruction that the applicant is considering. These statistics shall address each of the categories enumerated in Section 15.2 of the Act [105 ILCS 425/15.2]. In the absence of placement statistics for a new course of instruction, the enrolling representative shall disclose to the student, the placement statistics which represent the aggregate of all courses

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of instruction (Section 15.2 of the Act):

- 4) its policies and procedures, if any, for granting advanced standing to qualified prospective students who have previously completed training and/or work experience in the field of intended study;
- 5) its policies, if any, for shortening the period of study and reducing the cost of instruction for students admitted with advanced standing.
- 1) A school shall not represent or imply that:
  - 1) its graduates will be able to secure positions in a particular field because of completion of one or more of its courses of instruction if such positions are available only to persons with additional training and experience;
  - 2) it will accept a limited number of persons from a geographical area;
  - 3) it will accept applications for enrollment for only a limited period of time unless this fact can be verified;
  - 4) its credits are acceptable for admission or advanced standing at any school, college, or university unless it has previously filed evidence (e.g., a letter or some form of communication attesting to the transferability of the credits) to this effect with the Superintendent;
  - 5) applications must be submitted by a certain date to be acceptable for student admission unless this fact can be verified;
  - 6) any commodity or service is free when in fact such commodity or service is regularly included as part of the cost of instruction.
- m) An out-of-state truck driving school shall disclose to its applicants prior to enrollment that graduates of such schools should normally have attained the age of 21 prior to completion of the course of instruction. Such schools admitting students between the ages of 18 and 21 shall require all applicants to sign a statement of understanding that employment with truck driving companies operating interstate is not possible until the applicant attains the age of 21.
- n) Home study/in-residence and distance education/in-residence schools shall restrict admission to the number of students who can begin in-residence study within approximately 60 calendar days after successful completion of home study or distance education portion.
- o) Home study, home study/in-residence, and distance education schools shall not distribute or provide access to the first lesson until the applicant has been accepted by the admissions officer at the school's principal place of business.
  - 1) Distribution of or access to the first lesson shall be no later than ten business days following the official date of admission.
  - 2) Home study schools shall not distribute more than approximately 20 percent of the total number of home study lessons in the course of instruction to the student at any one time.

(Source: Amended at 24 Ill. Reg. 7229, effective

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May 1, 2000

## Section 451.520 Enrollment Agreements

- a) Each school shall provide written enrollment agreements to each student that specify both the school's and the student's legal obligations. The agreements shall contain all written disclosures required in Section 15.1 of the Act [105 ILCS 425/15.1] and be separate from any noncontractual documents utilized in the enrollment of students. Data required in Section 15.1(1) of the Act [105 ILCS 425/15.1(1)] shall be reported as follows:
  - 1) reporting period of July 1 through June 30;
  - 2) the graduation or completion rate shall be calculated by dividing the total number of students who completed the course of instruction or graduated in that year by the total number of students who were originally scheduled to complete the course of instruction or graduate in that year;
  - 3) the placement rates shall be calculated from the data compiled for the reporting period included.
- b) A school shall provide the applicant with:
  - 1) a copy of the enrollment agreement signed and dated by the sales representative and the applicant at the time the applicant makes initial payment of any fees, deposits, tuition, or other charges;
  - 2) signed, dated receipts for any monies collected from the student;
  - 3) a copy of the enrollment agreement or written notice of acceptance signed and dated by the chief managing employee or the admissions officer at the school's principal place of business at the time of official student acceptance at the school.
- c) A school may give the applicant a single copy of the agreement when the date of initial payment and the date of acceptance are the same.
- d) When the prospective student is under the age of 18, the agreement shall be signed by his/her parent or guardian.
- e) A school shall maintain copies of all signed agreements and any truth-in-lending disclosure pages in each student's permanent record.
- f) If the school receives payment of fees, deposits, or other charges in a single payment or by the payment of the enrollment fee and one additional payment, it may limit financial disclosures on the agreement to the enrollment fee and the cash price. If the student elects to make more payments than those described above, the agreement shall disclose the:
  - 1) enrollment fee;
  - 2) cash down payment;
  - 3) cash down payment;
  - 4) difference between cash price and cash down payment, using the phrase "unpaid balance of cash price";
  - 5) number, amount, and due dates or periods of payments scheduled for student repayments of indebtedness.



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- 9) A school receiving multiple payments may provide information on financial disclosures required in subsection (f) of this Section on a separate page. The page shall be signed and dated by the sales representative and the student at the same time their signatures are affixed to the agreement.
- h) When the school assesses finance charges or offers discounts for early payment and time/price differentials, the agreement and disclosure pages shall:
- 1) satisfy the requirements of the Retail Installment Sales Act [815 ILCS 405];
  - 2) make clear that students are not required to make use of its finance plans.
- i) The agreement shall not contain a wage assignment provision and/or a confession of judgment clause.
- j) The agreement shall include a "NOTICE TO THE BUYER" that includes the following statements in a position above the space reserved for the student's signature:
- 1) "do not sign this agreement before you read it or if it contains any blank spaces.
  - 2) This is a legal instrument. Both sides of the contract are binding. Read both sides before signing.
  - 3) You are entitled to receive one copy of the agreement you sign and any information disclosure pages presented by the school.
  - 4) Under the law you have the right, among others, to pay the full amount due and to obtain under certain conditions a partial refund of the finance charge."
- k) In addition to the information required by Section 15.1 of the Act, an enrollment agreement shall include:
- 1) language explaining the agreement will be binding only when the agreement is accepted, signed and dated by the authorized official of the school or the admissions officer at the school's principal place of business;
  - 2) a statement in which the student attests to having received the school's current catalog/bulletin, any supplements and errata sheets, and the data required in Section 15.1(11) of the Act;
  - 3) a space for the sales representative to indicate by signature his/her compliance with the Act and this part;
  - 4) a statement that any changes in the agreement shall not be binding on either the student or the school unless such changes have been approved in writing by the authorized official of the school and by the student or the student's parent or guardian if the student is a minor;
  - 5) the date by which instruction must be completed if the school provides instruction by home study or distance education and limits the period of time for completion of that instruction;
  - 6) a statement that terms and conditions of the agreement are not subject to amendment or modification by oral agreement;
  - 7) its current printing date.

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- 1) Information required in subsection (k)(5) of this Section need not be printed on the agreement but may be added to the agreement by the sales representative in space provided. The information shall be entered on the agreement prior to the time of applicant's signature.
- m) The school may reserve the right in the agreement to make revisions in the course of instruction during the period of the student's enrollment, provided that this right is conditioned upon the Superintendent's prior approval of curricular changes in this Part.
- n) When, pursuant to the Act and this Part, any agreement the school enters into with a student is found by the Superintendent to be a violation of the Act or this Part, the school shall refund all monies to the student within five business days.
- o) *If the right to cancel is not given to any prospective student at the time the enrollment is signed, the student has the right to cancel the agreement at any time and receive a refund of all monies paid to date within 10 days of cancellation (Section 15.1 of the Act).*
- p) The school shall meet the reporting requirements of Section 15.1(11)(i) of the Act [105 ILCS 425/15.1(11)(i)] regarding students enrolling in specific courses or courses of instruction and submit such report to the Superintendent within 90 days following the end of the reporting period of July 1 through June 30.

(Source: Amended at 24 Ill. Reg. 7220 effective 5/1/10.)

## Section 451.530 Student Obligations, Cancellation and Refund Policies

- a) The following definitions, in addition to those found in Section 1 of the Act, shall apply to the school's policies for the assessment of student fees and for obligations and refunds:
- 1) "Academic (school) year" is an instructional period extending no longer than 52 weeks from the date of its initiation to its conclusion.
  - 2) "Class day" is any day on which instruction is provided by the school and on which the student is scheduled to attend; not included are holidays, scheduled vacation periods, other days on which instruction is not provided, and periods for which a student is granted a leave of absence.
  - 3) "Clock or class hour" is one period of instruction given to one student; the periods may range from 45 to 60 minutes in duration. "Clock hours or class hours" are not the same as "credit hours." Credit hours are normally identified as "semester hours" or "quarter hours."
  - 4) "Enrollment fee" is a one-time student fee, assessed at the time of the student's initial enrollment at the school.
  - 5) "Distance education lesson" is a term used to describe a single unit or a defined set of instructional activities in a uniform



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series of units or activities of distance education instruction, as defined by the school pursuant to Section 451.285(d)(2) of this Part.

- 6) "Home study/in-residence instruction" is a course of instruction that consists of both home study lessons and in-residence classes at the school's site.
- 7) "Home study lesson" is the term used by home study schools to describe a single unit in a uniform series of units of correspondence instruction.
- 8) "Pro rata refund policy" is a policy computed on the number of clock or class hours completed or home study or distance education lessons serviced in the total course completed by the student.
- 9) "Terms" are regularly established equal divisions of the academic (school) year from ten to 19 weeks only, each with an established starting and ending date; they are normally called quarters, trimesters, or semesters.
- 10) "Total cost of the course of instruction" is, for purpose of refund calculations, the sum found on the enrollment agreement of all required charges made for direct instruction and obligatory items of extra expense to the student, such as instructional supplies, tools, student activities fees, laboratory and studio fees, service charges, rentals and other miscellaneous charges. It does not include the enrollment fee, charges for room and board, or any required accident or health insurance premiums paid by the student directly to an insurance carrier.
- 11) "Total cost of the term" is, for purpose of refund calculations, the sum of the same required and obligatory charges itemized in the definition of "total cost of the course of instruction" but that are assessed for a specific term only; not included are the enrollment fee and charges for room and board in the term.
- b) A school and its sales representatives enrolling prospective students shall collect no more than the amount of the application-registration fee that may not exceed \$150 or 50 percent of the cost of tuition, whichever is less, until the student has been formally accepted following the admissions screening process and the school's approval and signing of the enrollment agreement at the school's principal location.
- c) A school shall publish and adhere to refund policies as required by Section 15.1a of the Act [105 ILCS 425/15.1a].
  - 1) The school shall not receive, demand, or retain any amount in excess of proportions and dollar amounts disclosed in the enrollment agreement and catalog/bulletin for the term in which the student is enrolled.
  - 2) The student's total financial obligation for instruction shall not be more than the total contract price for the academic (school) year in which the student is enrolled.
  - 3) The school shall return that portion of any refunds due to

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sponsors furnishing grants, loans, scholarships or other financial aids in conformity with federal and state laws, and regulations and requirements of financial aid sponsors. After any disbursement to financial aid sponsors, the student shall receive the balance, if any, of the amount due under the school's refund policy.

- 4) The school shall refund all monies paid to it if the school fails to conduct classes on days or times scheduled, detrimentally affecting the student (Section 15.1a(11)(c) of the Act [105 ILCS 425/15.1a(11)(c)]).
- 5) A school that offers distance education lessons and is unable to provide them because of a failure on the part of the school shall be responsible for refunding all monies paid to it.
- d) Student refunds shall be processed promptly and in accordance with the following requirements as may be applicable.
  - 1) If a letter of withdrawal is submitted, it shall be delivered to a student within 10 business days of the date of withdrawal initiated by a school management. The date of withdrawal shall be the date the letter of withdrawal is postmarked or, when the notice is hand-carried, it shall occur on the date the notice is delivered. The school shall provide a receipt for each letter of withdrawal received.
  - 2) An in-residence school shall inform the student as to his/her contractual obligation if the student fails to attend class or utilize instructional facilities for a period of ten consecutive class days without providing, prior to or during that period, an explanation regarding the absences.
  - 3) A home study or distance education school shall inform the student as to his/her contractual home study or distance education obligation if at any point during the course of instruction it has not received lessons for 60 consecutive calendar days; the date of withdrawal shall be the date of the last lesson received.
  - 4) A school may give an in-residence, home study, or distance education student who has withdrawn the opportunity to apply for reinstatement in writing and keep his/her enrollment active without prejudice to the student's refund rights.
  - 5) A school shall notify any agency known to the school to be providing financial aid to the student of any withdrawal within 30 days after the date of withdrawal.
  - 6) A school shall maintain accurate current records that make possible prompt return of funds in the correct amount.
  - 7) In the event a student gives notice of withdrawal, the school is obligated to refund the cost of only those books and materials purchased for the current or future terms if the books and materials have been returned to the school unmarked.
    - A) A school charging for books and materials, including software, shall maintain in the student's file a receipt with the book title or name of item, amount charged and date

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- purchased.
- B) A school charging for books and materials, including software, shall maintain for three years a list of these items used for each subject area and the exact charge for each. The record shall be updated as changes occur.
  - e) In the event a student withdrawing from a course of instruction is less than 18 years of age on date of withdrawal, notice of cancellation shall be made by the purchaser of the enrollment agreement.
  - f) A school shall refund all monies paid to it if the school did not screen the student, including physical examinations required for occupational licensure, to determine that the student meets its admission standards prior to the date of the student's acceptance.
  - g) For home study or distance education instruction, all references to class attendance or days in class in Section 15.1a of the Act shall refer to lessons completed by the student and serviced by the school.
  - h) Refunds for the home study/in-residence portions of a combination home study/in-residence school, or for a distance education course of instruction if a portion is provided in-residence, must be computed and stated separately.

(Source: Amended at 24 Ill. Reg. 72 20, effective MAY 1 1988)

## Section 451.555 Student Progress

- a) A school shall have and enforce written policies for defining acceptable student progress and academic good standing and shall maintain progress evaluation records that record the student's movement toward completing studies within the time allotted for completion of the curriculum.
- b) Students enrolled in home study instruction or distance education shall be informed of their academic progress with the servicing of each examination. If at any point in the curriculum the student's average grades on examinations are less than those required for passing the total course, the student shall immediately be so informed in writing.

(Source: Amended at 24 Ill. Reg. 72 20, effective MAY 1 1988)

## Section 451.580 Student Rights

- a) A school shall establish a procedure for the fair and prompt resolution of student grievances concerning instructional and business affairs. The procedures shall specify the reasons for which a conference or hearing may be requested and require the recording of any findings.

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- b) A student's records, including attendance records, shall be available for inspection on request by the student.
- c) A school shall terminate a student's enrollment when it has been documented that he/she is unable to remain in good academic standing and to acquire the knowledge and skills necessary for entering the occupation for which he/she is being trained.
- d) Schools shall post in a conspicuous place the statement, developed by the Superintendent of students' rights provided under the Act, A school that offers distance education courses of instruction also shall post the statement in a conspicuous place on its web site.

(Source: Amended at 24 Ill. Reg. 72 20, effective MAY 1 1988)

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1) Heading of the Part: Secular Textbook Loan

2) Code Citation: 23 Ill. Adm. Code 350

3) Section Number: Adopted Action:

350.10 Amendment

350.15 Amendment

350.25 Amendment

4) Statutory Authority: 105 ILCS 5/18-17

5) Effective Date of Amendments: May 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Has JCARE issued a Statement of Objection to these amendments? No

10) Differences between proposal and final version: The following language was added at the end of Section 350.15(g)(3): "Requested information may include, but is not limited to, a contact person's name, e-mail address, telephone number, and textbook order."

11) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreements issued by JCARE? Yes

12) Will this amendment replace an emergency amendment currently in effect? No

13) Are there any amendments pending on this Part? No

14) Summary and Purpose of Amendment: These amendments will enable new schools (primarily charter schools) to access the Secular Textbook Loan program in their first year of operation. Each year, the State Board of Education notifies school administrators of the amount available to their pupils under the program. Under the current rules, the figures used to ascertain the per-pupil allocation for the designated grade levels to be funded are taken from the previous year's Fall Enrollment and Housing Report. The proposed amendments use the current year enrollment as of the last week in September, so that new schools would be able to apply in their first year of operation.

Other changes are being proposed to clarify the way in which the program operates, in particular providing for electronic submission of textbook

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request forms.

15) Information and questions regarding this adopted amendment shall be directed to:

Mr. Michael Lacopo  
Business Services  
Illinois State Board of Education  
100 North First Street, C-359  
Springfield, Illinois 62777-0001  
(217) 782-0734

The full text of the adopted amendments begins on the next page:

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## NOTICE OF ADOPTED AMENDMENTS

## TITLE 23: EDUCATION AND CULTURAL RESOURCES

## CHAPTER 1: STATE BOARD OF EDUCATION

## SUBCHAPTER J: TEXTBOOKS

PART 350  
SECULAR TEXTBOOK LOAN

## Section

350.10 Definition of Terms

350.15 Acquisition Procedures

350.20 Administrative Practices (Repealed)

350.25 Disposal Disposition Procedures

350.30 Fiscal Procedures (Repealed)

**AUTHORITY:** Implementing and authorized by Section 18-17 of the School Code [105 ILCS 5/18-17].

**SOURCE:** Adopted September 27, 1976; amended at 2 Ill. Reg. 27, p. 163, effective June 27, 1978; amended at 4 Ill. Reg. 37, p. 770, effective September 6, 1980; codified at 7 Ill. Reg. 13870; amended at 8 Ill. Reg. 2462, effective February 15, 1984; amended at 15 Ill. Reg. 17597, effective November 20, 1991; amended at 20 Ill. Reg. 9951, effective July 12, 1996; amended at 24 Ill. Reg. 7256, effective 7/1/2000.

## Section 350.10 Definition of Terms

"Eligible Applicant" for the purposes of this Part is a public school district in the State of Illinois; or a nonpublic school that is in compliance with the compulsory attendance laws of Illinois and Title VI of the Civil Rights Act of 1964 and is registered with the State Board of Education; or any other publicly funded school located in the State.

"Student" means any student in this State who is enrolled in grades kindergarten through 12 at a public school or at a school other than a public school which is in compliance with the compulsory attendance laws of this State and Title VI of the Civil Rights Act of 1964. (Section 18-17 of the School Code [105 ILCS 5/18-17])

"Nonpublic--School" means a school other than a public school which is in compliance with the compulsory attendance laws of this State and Title VI of the Civil Rights Act of 1964. (Section 18-17 of the School Code)

"Parent" means a parent or guardian of a child enrolled in a public or nonpublic school.

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"Request Form" means either a paper or an electronic version (i.e., via diskette or the Internet) of the document the eligible applicant uses to request the secular textbooks to be purchased under the program.

"School Administrator" means the superintendent of a school district or the chief administrative officer of a nonpublic school or other eligible school.

"Secular--Textbook"--means--a--public--school--district--in--the--State--of--Illinois.

"Secular Textbook" means any book or book substitute which a pupil uses as a text or text substitute in a particular class or program. It shall include books, reusable workbooks, manuals, whether bound or in loose-leaf form, and instructional computer software intended as a principal source of study material for a given class or group of students. (Section 18-17 of the School Code)

(Source: Amended at 24 Ill. Reg. 7256, effective 7/1/2000.)

## Section 350.15 Acquisition Procedures

- Students shall not be assessed a fee for any textbook or book substitute provided under the Secular Textbook Loan Program.
- Eligible applicants Public-end-nonpublic-schools-registered-with-the-State-Board-of-Education shall provide parents with a brief written explanation of the textbook loan program in a student handbook, newsletter, flyer or by similar means. A parent or student may request the loan of a secular textbook(s) by submitting an individual request that shall contain the following language: "I hereby request the loan of secular textbooks in accordance with Section 18-17 of the School Code. I understand that this request will remain valid so long as my son/daughter is enrolled in (name of school) and that I may at any time withdraw this request."
- Requested textbooks shall be those that which have been adopted for use in the district of school and that which are available from those companies that are bonded through the State Board of Education. The State Board of Education each fiscal year shall provide eligible applicants districts with the list of companies from which materials may be purchased and with the list of secular textbooks that the State Board of Education has identified as eligible under the program.
- In January of each year, the State Board of Education shall distribute the Request Forms (to be completed by schools), the list of eligible secular textbooks, and the list of bonded companies to the Regional Offices of Education outside of Cook County and to each eligible applicant school-district-and-nonpublic-school located in

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Cook County in January of each year. This information shall then be distributed by the Regional Superintendents of Schools to each public and nonpublic school in their respective regions.

- e) In January of each year, the State Board of Education will identify the grade levels to be funded and calculate the per-pupil allocation. School administrators will be notified in writing as to the total amount available to their students of the district or nonpublic school to be used for the grade levels identified for funding. The per-pupil allocation will be based upon the total amount of funds appropriated for the program and the total statewide public and nonpublic school enrollment in the specific grade levels to be funded, as of the last school day in September of the current school year reflected in the Fall Enrollment and Housing Report for the preceding year.
- f) The Request Forms shall be compiled by the school administrator, and the administrator's signature on the Request Form shall certify compliance with Section 18-17 of the School Code and this Part, as well as with Article X, Section 5, of the Illinois Constitution, which provides in pertinent part that no funds may be used to help support or sustain any institution controlled by any church or sectarian denomination.

- g) Each eligible applicant school--district and nonpublic school shall submit to the Regional Superintendent on or before March 15, its completed Request Form as prescribed in this subsection (g) on or before March 15.

1) Schools located within the City of Chicago shall submit their Request Forms directly to the State Board of Education, Textbook Loan Program, 100 North First Street, Springfield, Illinois 62777-0001.

2) All other applicants shall submit their completed Request Forms to their respective Regional Office of Education. The Regional Superintendent shall review and approve all Request Forms and forward them to the State Board of Education on or before March 25 upon determining that the information and signature required on the Request Form have been provided.

3) Eligible applicants that choose to submit the completed Request forms via the Internet shall do so in accordance with the procedures indicated on the Request Form. Requested information may include, but is not limited to: a contact person's name, e-mail address, telephone number, and textbook order.

4) Request Forms received after the deadline shall be returned to the applicant.

h) Forms received after the deadline shall be returned to the school. h) Each school administrator shall be informed by the end of May the State Board of Education will inform each Regional Superintendent and each school administrator by May 15 as to the specific textbooks that which will be purchased.

1) For applicants located outside of Cook County, the State Board of

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Education shall inform each Regional Office of Education, which shall notify each applicant in its region.

2) For applicants located in Cook County, the State Board of Education shall inform each applicant directly.

i) The school administrator shall confirm that the quantity and titles of all textbooks received are the same as ordered. Such confirmation shall be mailed to the State Board of Education within seven (7) days after receipt of the textbooks.

1) All textbooks provided through the program shall be listed on an inventory maintained by the State Board of Education. Each school shall identify (stamp) the materials received under the program as "Property of the State of Illinois, School Year \_\_\_\_."

k) Each recipient school--district or nonpublic school shall have procedures to assure the return of all textbooks from those to whom they have been loaned.

(Source: Amended, at 24 Ill. Reg. 7256, effective \_\_\_\_\_)

## Section 350.25 Disposal Disposition Procedures

a) Textbooks received under the Textbook Loan Program may not be disposed of out-of-state or sold without the prior approval of the State Board of Education (Section 18-17 of the School Code) as provided in subsection (b) or (c) of this Section.

b) Disposal Disposition of Textbooks on Loan for Less than Five Years Textbooks on loan for less than five (5) years that a recipient school district or nonpublic school determines are no longer needed to be unsuitable (e.g., elimination of program, wear, adoption of new textbooks) shall be disposed of in the following manner:

1) On a form provided by the State Board of Education, the recipient shall submit to the State Board a list of unsuitable textbooks that are no longer needed shall be reported by mail to the State Board of Education, giving the International Standard Book Numbers (ISBN), quantity, grade level, and titles of the materials. If no ISBN is given for the materials, then a description must be provided of the unsuitable materials that are no longer needed.

2) The State Board of Education shall attempt to relocate these textbooks to other Illinois schools within three (3) months after receiving the list by mail.

A) A list of all textbooks that are no longer needed shall be disseminated to all eligible applicants in September of each year.

B) Requests for these textbooks shall be honored on a first-come, first-served basis.

C) Based on this effort, the State Board shall make appropriate notification to the sending and/or receiving schools and

## STATE BOARD OF EDUCATION

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1) Heading of the Part: Water Supply Operator Certification

- D) Receiving schools shall be responsible for all transportation arrangements and for all costs incurred in the transportation of the textbooks from the sending school, the transportation of the textbooks from the sending school, Textbooks that which cannot be relocated by the end of January to another Illinois school pursuant to subsection (b)(2) of this Section may be disposed of pursuant to the exemption from the Illinois Property Control Act that has been granted by the Director of the Department of Central Management Services. A copy of the exemption will be provided to recipients. ~~nonpublic schools and school districts that seek to dispose of textbooks pursuant to this subsection (b)(3).~~
- C) ~~Disposal Disposition of Textbooks on Loan for Five Years or More~~ Textbooks on loan for five (5) or more years may be disposed of in such a manner as the school board, or nonpublic school or other eligible school determines, including out-of-state disposal or sale, provided that:

- 1) The school administrator provides written notification to the State Board of Education of the recipient's school districts--or nonpublic schools intent to dispose of the textbooks. Such notification shall:
  - A) Provide a list of unsuitable textbooks that are no longer needed, which shall be reported by mail to the State Board of Education giving the International Standard Book Numbers (ISBN), quantity, grade level, and titles of the materials. If no ISBN is given for the materials, then a description must be provided of the unsuitable materials that are no longer needed.
  - B) Cite the proposed method for disposing of the textbooks.
- 2) Notification shall be sent to the State Board of Education by certified U.S. mail, return receipt requested.
- 3) Textbooks shall not be disposed of in less than 30 days after following notification to the State Board. The date of delivery on the return receipt shall constitute the date of notification. If the State Board of Education identifies a disposition that better conserves public resources or better serves the interests of the public, then it shall, within 30 days after notification, arrange with the school to dispose of the materials in some alternative manner. If the State Board of Education does not arrange such action within 30 days, then the school shall dispose of the books as indicated in the notice to the State Board of Education.
- 4) The school administrator shall notify the State Board in writing of the date and manner of final textbook disposition:

(Source: MA 1000 at 24 Ill. Reg. 7256, effective       )

2) Code Citation: 35 Ill. Adm. Code 6803) Section Numbers:Adopted Action:

680.103	Amendment
680.104	Amendment
680.105	Amendment
680.106	Amendment
680.107	New
680.108	New
680.109	New
680.110	New
680.111	New
680.201	Amendment
680.202	Amendment
680.203	Amendment
680.301	Amendment
680.302	Amendment
680.303	Amendment
680.304	Amendment
680.305	Amendment
680.306	Amendment
680.307	Amendment
680.402	Amendment
680.403	Amendment
680.501	Amendment
680.502	Repeal
680.503	Amendment
680.601	Amendment
680.603	Repeal
680.604	Amendment
680.605	Amendment
680.701	Amendment
680.702	Amendment
680.703	Amendment
680.704	Amendment
680.705	Amendment
680.801	New
680.802	New
680.803	New
680.804	New
680.805	New
680.806	New
680.807	New
680.808	New
680.809	New
680.810	New



ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

680.811 New  
680.812 New  
680.813 New  
680.901 New

14) Are there other proposed amendments pending on this Part? No

4) Statutory Authority: Implementing and authorized by the Public Water Supply Operations Act (415 ILCS 45).

15) Summary and purpose of rules: The amendments to these rules establish the requirements that all public water supplies employ a properly certified water supply operator, and that all certified water operators meet continuing education requirements for certificate renewal, pursuant to the federal Safe Drinking Water Act (42 U.S.C. 300f (1996)) and the Public Water Supplies Operations Act (415 ILCS 45).

5) Effective Date of the Amendments: April 24, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

Mike Garretson, Manager  
Compliance Operations Unit  
Compliance Assurance Section  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East, P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-9720

9) Notice of Proposal Published in the Illinois Register: 23 Ill. Reg. 13511, November 12, 1999.

10) Has JCAR issued a Statement of Objection to these amendments? No. On March 7, 2000, the Illinois Environmental Protection Agency ("Agency") received the Certification of No Objection to Proposed Rulemaking from the Joint Committee on Administrative Rules ("JCAR").

The full text of the adopted amendments begins on the next page:

11) Differences between the proposal and adopted version: The Agency made certain non-substantive editing changes to the text of these amendments in accordance with the recommendations of the Index Department, Administrative Code Division, Office of the Secretary of State and JCAR.

The Agency has made the following changes to this Part at the request of JCAR: In Section 680.110 Grandparenting, "the effective date of the Law (July 9, 1999)" was changed to "July 9, 1999"; in Section 680.301 Eligibility, "may request not later than a reevaluation" was changed to "may request, not later than", and "application" was changed to "application, a reevaluation"; in Section 680.701 Causes, the comma after "renewed" was deleted and a comma was added after "restore"; in Section 680.901 Grandparenting, "the effective date of the Law (July 9, 1999) may be issued a Certificate of Competency" was changed to "July 9, 1999 may be issued a certificate of competency", and "the effective date of the Law" was changed to "July 9, 1999".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

## ENVIRONMENTAL PROTECTION AGENCY

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TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE F: PUBLIC WATER SUPPLIES  
 CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

WATER SUPPLY OPERATOR CERTIFICATION  
 PART 680

## SUBPART A: INTRODUCTION AND DEFINITIONS

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680.102	Examination
680.103	Hands-on or Necessary Skills, Knowledge, Ability, and Judgment
680.104	<u>Practical-Working-Knowledge</u>
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SUBPART H: CERTIFICATE RENEWAL, RESTORATION, AND REQUIRED TRAINING

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680.813	

SUBPART I: GRANDPARENTING

Section	Grandparenting
680.901	

AUTHORITY: Implementing and authorized by the Public Water Supply Operations Act [415 ILCS 45].

Section 680.107 Equivalent to a High School Education Other Definitions  
"The Equivalent" to a high school education means a General Education Development (GED) test.

(Source: Old Section 680.107 renumbered to Section 680.111 and new Section 680.107 added at 24 Ill. Reg. 7263, APR 24 1990)

Section 680.108 Continuing Education Unit

The Continuing Education Unit (CEU) is a nationally recognized unit defined as 10 training contact hours. One training contact hour is a 60 minute classroom session of instruction or its equivalent (0.1 CEU). One contact hour or 0.1 CEU will count as 1 hour towards meeting the certificate renewal training requirement. Training in which CEUs are not assigned will be credited based on actual hours spent in training.

(Source: Added at 24 Ill. Reg. 7263, APR 24 1990) effective

Section 680.109 Quarter Hours and Semester Hours

Quarter hours or semester hours are usually assigned for courses offered by colleges and universities. For the purpose of calculating actual classroom hours for renewal training credit, the following conversions should be used:

- 1 Semester Hour = 15 hours of training credit
  - 1 Quarter Hour = 10 hours of training credit.
- (Source: Added at 24 Ill. Reg. 7263, APR 24 1990) effective

Section 680.110 Grandparenting

Grandparenting means the exemption for the registered persons in responsible charge of a previously-exempt community water supply, as of July 9, 1999, from meeting the initial education and examination requirements for the class of certification the community water supply has been assigned.

(Source: Added at 24 Ill. Reg. 7263, APR 24 1990) effective

Section 680.111 Other Definitions

The definitions found in 35 Ill. Adm. Code 601 and 611 shall apply to this Part.

SOURCE: Piled April 1, 1974; Part repealed, new Part adopted at 6 Ill. Reg. 10942, effective September 1, 1982; amended at 12 Ill. Reg. 8442, May 2, 1988; amended at 24 Ill. Reg. 7263, effective APR 24 1990.

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 680.103 Examination

"Examination" means a ~~the--section--and--any--subsection~~ test(s), written in English, required to be taken by the applicant for initial certification ~~issuance--or--class--revision--certification~~.

(Source: Amended at 24 Ill. Reg. 7263, effective APR 24 1990)

Section 680.104 Hands-on or Necessary Skills, Knowledge, Ability, and Judgment Practical-Working-Knowledge

"Hands-on" or necessary skills, knowledge, ability, and judgment "practical working-knowledge" means the knowledge acquired from daily operating experience rather than from text book study or supervisory observation. It means the applicant has actually operated a water plant or water supply or worked on the distribution system and has performed tasks including, but not limited to, routine tests, sample collection, completion of operational reports, calculation of chemical dosages and subsequent adjustment of chemical feeders, or backwashed filters.

(Source: Amended at 24 Ill. Reg. 7263, effective APR 24 1990)

Section 680.105 Law

"Law" means the Public Water Supply Operations Act "An Act to regulate the operating of a public water supply" [415 ILCS 45] (Ill. Rev. Stat., 1987, Ch. 111-1/27-Pers.-561-et-seq.).

(Source: Amended at 24 Ill. Reg. 7263, effective APR 24 1990)

Section 680.106 Responsible Charge

"Responsible Charge" means active, on-site charge and/or performance of operation of the treatment plant and/or distribution system of a public water supply or comparable water supply.

(Source: Amended at 24 Ill. Reg. 7263, effective APR 24 1990)

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(Source: Renumbered from Section 680.107 and amended at 24 Ill. Reg. 72 63, effective APR 24 2000.)

## SUPPORT B: EXAMINATION FREQUENCY AND LOCATION

## Section 680.201 Examination Frequency

Examinations will be held the first working Monday of each month at times and ~~six~~ locations throughout the State as determined by the Agency.

(Source: Amended at 24 Ill. Reg. 72 63, effective APR 24 2000.)

## Section 680.202 Examination Location

An examination schedule listing locations with telephone numbers will be sent to each applicant who receives a Letter of Admission. An applicant who has received a Letter of Admission for initial examination or reexamination must contact the examination center by telephone or in writing at least seven days prior to the scheduled examination date. Examination schedules listing locations and telephone numbers will be sent to each applicant who receives a Letter of Admission.

(Source: Amended at 24 Ill. Reg. 72 63, effective APR 24 2000.)

## Section 680.203 Examination on Request

Examinations on request may be given when will be given at community colleges or other special locations whenever possible upon request of the instructor or course coordinator whenever ten or more students/operators who have received a Letter of Admission wish to take the undergo examination. Requests must be made in writing to the Agency Operator Certification Unit Supervisor at least six weeks in advance of the requested proposed examination date.

(Source: Amended at 24 Ill. Reg. 72 63, effective APR 24 2000.)

## SUPPORT C: EXAMINATION ELIGIBILITY

## Section 680.301 Eligibility

- a) Only those applicants who meet the eligibility and fee requirements outlined in Sections 4, 13, and 14 and 22 of the Law shall be eligible to take the undergo examination and shall receive a Letter of Admission Notice of Eligibility to the classifications outlined in Section 13 of the Law, in accordance with the criteria mandated by the Law. Admission shall be based upon the evaluation of either a

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completed initial or class revision application form and payment of the appropriate fee. Application forms shall be provided by the Agency.

- b) Applicants who have had or have been exposed to typhoid fever or amebic dysentery will be required to submit fecal samples to the Department of Public Health to determine whether or not the applicant is a carrier of the disease before examination admission is granted. Instructions and sample containers will be sent to the applicant. should exposure be indicated. If the applicant is a carrier, that applicant will not be admitted to the certification process.
- c) Those applicants who fail to meet the eligibility requirements outlined in Sections 4, 13, 14, and 22 of the Law may request, not later than the year from the date the Agency received the application, a reevaluation without paying an additional fee.

(Source: Amended at 24 Ill. Reg. 72 63, effective APR 24 2000.)

## Section 680.302 Applications

- a) Applications for a initial or class revision Certificate of Competency must be submitted to the Agency at least 45 forty-five (45) days prior to the scheduled examination date. Applications must be complete before any decision regarding eligibility will be issued; applications must be accompanied by the non-refundable application review fee specified by Section 22 of the Law before review will be initiated.

- b) The Agency shall notify applicants in writing of their eligibility for examination. Applicants will be notified in writing of their review status. Eligible applicants will be requested to submit an examination fee specified by Section 22 of the Law (Ill. Rev. Stat. 1987-Chr. 117, par. 522);

(Source: Amended at 24 Ill. Reg. 72 63, effective APR 24 2000.)

## Section 680.303 Eligibility Agency Determination

The Agency shall review all applications for certification and/or class revision and shall determine the applicant's creditable experience on the basis of the information contained therein. Applications shall contain information as mandated by Sections 4, 14 and 16 of the Certification Law.

(Source: Amended at 24 Ill. Reg. 72 63, effective APR 24 2000.)

## Section 680.304 Review of Determination

Each applicant who does not agree with the Agency determination review of

Section 680.305 Examination Admission

(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

a) Each applicant ~~his~~ experience qualifications will be admitted to one examination for which the applicant is eligible the highest and all lower classifications to which their accrued experience entitles them. The applicant Applicants shall be sent a letter of Admission stating all the classifications for which the applicant they is are eligible. Each applicant must designate one of the eligible classifications at the time of examination.

b) Each applicant must present the letter of Admission and one photo identification to the examination proctor to take the in-order to undergo examination. The examinee must sign a statement of intent which indicates the classification which the examinee has selected for examination and which must be dated and signed by the examinee.

c) An applicant seeking to obtain a letter of Admission for an additional examination for which the Agency has determined the applicant eligible must submit the appropriate fee to the Agency, and the Agency will issue a letter of Admission.

(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

Section 680.401 Examination Classification

Examinations shall be administered based upon separate classifications, 7 As as outlined in Section 13 of the law. There shall be four classifications: Class A, Class B, Class C, and according to the following table:

If not now Certified:				If requesting Class Revision:			
Re- quested Exam Class	Re- quested Exam Sec	Now Holding Current Exam Class	Re- quested Exam Sec	Re- quested Exam Class	Re- quested Exam Sec	Re- quested Exam Sub- sections	Re- quested Exam Sub- sections
AA	A	B7C7D	AA	AA	A	---	---
AB	B	C7D	AB	AB	A	b---	b---
BA	B	d---	BA	BA	B	---	---
BB	B	---	BB	BA	A	b7C	b7C
			BB	BB	B	c---	c---
				BB	E	---	---

(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

Section 680.402 Standards for Examination and Grading

a) Examinations shall be valid and reliable in accordance with professional standards outlined by the American Psychological Association Standards for Educational and Psychological Tests and the Equal Employment Opportunity Commission Guidelines.

b) The passing score for each examination shall be 70 percent of the points available. Sections and subsections of the written examination shall be separately graded. The passing score for each section/subsection shall be 70 percent of the points available.

(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

Section 680.403 Award of Certificate of Competency Successful Completion

The Agency shall award a Certificate of Competency to each individual who has obtained a passing score on the examination. Each section and subsection taken as indicated in the Statement of Intent must be successfully completed in order for the examinee to be awarded a certificate of competency in that or any other classification.

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(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

## SUBPART E: REEXAMINATION

## Section 680.501 Reexamination at Same Classification

An individual ~~examinee~~ who fails a any written examination may take any subsequent examination for which the individual is eligible upon payment of the appropriate fee be re-examined only in the classification indicated on the Statement of Intent. ~~the examinee must retake only those sections and/or subsections which were not successfully completed on a prior attempt.~~

(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

## Section 680.502 Alternate Classification (Repealed)

~~An examinee initially failing an examination in a classification who desires admission to an alternate classification of examination must reapply and begin the application and examination process anew.~~

(Source: Repealed at 24 Ill. Reg. 72 63 effective APR 24 2000)

## Section 680.503 Reexamination Fee

An individual ~~examinee~~ who is required by Section 22 of the Law to submit a reexamination fee must submit that fee at least 21 ~~twenty-one (21)~~ days prior to the next scheduled examination date in order to receive a Letter of Admission ~~admission to that examination session.~~

(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

## SUBPART F: RECIPROCITY

## Section 680.601 Application for Reciprocal Certification

All applicants for reciprocity must complete the Illinois application requirements, must meet all eligibility and fee requirements outlined in Sections 4, 13, 14 and 22 of the law and must indicate the classification of Illinois certification for which application is being made.

(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

## Section 680.603 Personal Interview (Repealed)

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A personal interview conducted by Agency engineering personnel possessing expertise in Illinois water supply operation and regulation must be conducted with the applicant at a time and location mutually agreeable to both parties. This interview shall be based upon the determination of the applicant's familiarity with Illinois requirements and general operating knowledge. The interviewing engineer will then write a report which shall be attached to the application for certification and which will be presented to the Advisory Board as a part of the application packet.

(Source: Repealed at 24 Ill. Reg. 72 63 effective APR 24 2000)

## Section 680.604 Reciprocity Determination Review By Advisory Board

a) An applicant for a Class A, Class B, Class C, or Class D Certificate of Competency who possesses a valid certificate issued under the laws of another state will be issued a Certificate of Competency, without examination, provided:

- 1) The Agency may determine by reviewing the other state's requirements that the applicant has met minimum standards equivalent to or more stringent than the standards specified in Sections 4, 13, 14 and 22 of the law, respectively, prior to receiving the certificate from the other state;
  - 2) The state that issued the certificate to the applicant accepts reciprocity certificates issued by the Agency; and
  - 3) The applicant resides in Illinois or is employed at a public water supply in Illinois.
- b) An applicant satisfying subsections (a)(1) and (a)(2) above, but failing to meet the residency requirements of subsection (a)(3) above, shall be issued a notice of intent to grant reciprocity. Should that applicant fail to meet the requirements outlined in subsection (a)(3) above within 90 days after issuance of the notice, the notice shall become void.
- c) Applications for reciprocity described in Section 680.601 shall be reviewed by the Agency as follows:
- 1) The Agency shall review each applicant's education and experience to determine the levels of certification examination for which the applicant is eligible pursuant to Subpart C of this Part;
  - 2) An applicant for reciprocity shall be notified of, and given the option to take, the certification examinations for which the applicant qualifies;
  - 3) The Agency shall contact the certifying officials from the other state to determine the level of certification of each applicant for reciprocity and whether the certificates are currently valid;
  - 4) The Agency shall compare the applicant's qualifications and the other state's eligibility requirements for certification with those described in Subpart C of this Part to determine if the requirements of subsection (a) above are fulfilled; if so,



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reciprocity shall be granted at the appropriate level;

5) If it is determined that reciprocity should be granted, the Agency shall issue the appropriate level Certificate of Competency to the applicant and shall notify the certifying official from the other state; and

6) If it is determined that reciprocity should not be granted, the Agency shall notify the applicant and the certifying official from the other state, and provide reasons for the decision.

d) If a Certificate of Competency that has been issued through reciprocity is suspended or revoked pursuant to Subpart G of this part, the Agency shall notify the certifying official from the other state.

e) An applicant who is denied reciprocity or who is given a lower level of eligibility than the one requested shall have an opportunity for a hearing with the Advisory Board. The applicant for reciprocity may seek review of the Agency determination by the Advisory Board. The Advisory Board shall review the determination and provide a recommendation to the Agency.

~~The entire application packet shall be reviewed by the Advisory Board, for its recommendation as to whether or not reciprocity is to be granted, and, if so, at which level. The Advisory Board shall respond within 60 days of receipt of the packet.~~

(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

## Section 680.605 Change in Classification

An applicant for reciprocity whose accrued experience entitles admission to the highest level or a higher level of Illinois certification, but whose previous classification and examination entitles the applicant to a lower level of reciprocal certification, will be admitted to examination at the higher level(s) upon payment of the subsequent examination fee, pursuant to Section 22 of the Law as a class revision applicant. The applicant will receive reciprocal certification at the lower level at the same time as examination admission to the higher level(s) of certification is granted.

(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

## SUBPART G: SANCTIONS SUSPENSION AND REVOCATION

## Section 680.701 Causes

Certificates of Competency shall be subject to sanctions of revocation or suspension upon a showing of cause by a preponderance of the evidence. Such sanctions shall not be a bar to any civil or criminal proceedings. Causes for sanction shall include but are not limited to:

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~~Any person may seek suspension/revocation of a Certificate of Competency for cause. Cause shall include the following:~~

a) having obtained renewed or restored, or attempted to obtain, renew or restore a Certificate of Competency by fraud or deceit;

b) any gross negligence, or gross misconduct, or incompetency in the operation of a public water supply;

c) falsification of reports required to be submitted to the Agency;

d) willful violation of the Environmental Protection Act or any rules thereunder; or

e) a final judgment in a civil action or a conviction in a criminal action that the operator has performed any of the acts listed in subsections (a) through (d) above.

(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

## Section 680.702 Procedures Procedure

a) Any person may initiate the procedure for sanction by filing a written complaint with the Agency. The complaint shall state the name and address of the complainant, the name of the operator and all information that supports the complaint. If the Agency determines that the complaint is duplicitous or frivolous, it shall notify the person filing the complaint, but shall take no further action. The Agency may initiate the suspension/revocation procedure.

b) If the Agency determines that a sanction procedure is warranted, either on the basis of a valid complaint or on its own motion, it shall notify the operator by certified mail. Any person may initiate the procedure for suspension/revocation of any operator's Certificate of Competency by filing a sworn written complaint with the Agency. If the Agency determines that the complaint is duplicitous or frivolous, it shall notify the person filing the complaint, but shall take no further action.

c) When the suspension/revocation procedure is warranted, the Agency shall notify the operator by certified mail that suspension/revocation is being sought. Such notice shall specify the cause for upon which sanction suspension/revocation is sought and shall meet the requirements of the Agency's Procedures for Contested Case Hearings, 35 Ill. Adm. Code 168 include the procedures for requesting a hearing before the Agency.

(Source: Amended at 24 Ill. Reg. 72 63 effective APR 24 2000)

## Section 680.703 Hearing and Decision

a) Should a hearing be requested, the Director shall appoint one or more persons to act as hearing officers. Agency employees to chair the

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**proceedings.** The hearing shall be conducted in accordance with the Agency's Procedures for Contested Case Hearings, 35 Ill. Adm. Code 168 Hearing-Requirements-of-the-Illinois-Administrative-Procedure-Act (111-Rev-Stat--1997-Ch-1277-Pars-1010-10167).

b) The Advisory Board shall be notified of the hearing. A copy of the hearing transcript shall be sent to the operator and to the Advisory Board. The Agency shall pay with-in the cost of providing transcripts.

c) The Advisory Board shall recommend on the basis of the hearing transcript whether sanction is appropriate. If the Advisory Board determines that a certificate should be revoked or suspended, it may, at its option, recommend a suspension period on a period of time before the operator may reapply in accordance with Subpart C of this Part. This recommendation shall be submitted in writing to the operator and the Director within 30 days after receipt of transcripts and shall include a statement of reasons. For the Advisory Board's actions. If the recommendation is not sent to the Director within 30 days, the Director shall proceed pursuant to subsection (d) below. **The-Certification-Advisory-Board-shall-prepare-its-recommendation-as-to-the-disposition-of-the-suspension/revocation action-and-submit-the recommendation-to-the-operator--and-the-Agency-within-30-days-after receipt-of-transcripts-**

d) The Director shall make a decision on the basis of the contested case record. If the Director determines sanction is appropriate, a decision shall be issued suspending or revoking the certificate. This decision shall state a suspension period or a period of time before the operator may reapply in accordance with Subpart C of this Part. The Director shall give written notice of the decision and the reasons to the operator by certified mail.

e) If a hearing is not requested, or if the operator does not respond to the notice prepared pursuant to Section 680.702, the Director shall assume all facts contained in the notice are true and shall base the decision on this notice. This decision shall be made within 30 days after the deadline stated in this notice and shall state a suspension period or a period of time before the operator may reapply in accordance with Subpart C of this Part. The Director shall give written notice of the decision and the reasons to the operator by certified mail.

(Source: Amended at 24 Ill. Reg. 7263, effective App 24 2000)

## Section 680.704 Sanctions Decision

a) The decision between revocation and suspension shall be based on the following:

1) The severity of the violations that led to the sanction including:

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A) The frequency or duration of the violations; and  
B) The impact on the public water supply's ability to provide water that is assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral characteristics for ordinary domestic consumption;

2) The recalcitrance of the operator in preventing the recurrence of the violations; and

3) Any other mitigating or aggravating factors.

b) If a Certificate of Competency is suspended, it shall be considered void for a period of time not to exceed a year and a half. This period shall be set according to the factors listed in subsection (a). Experience obtained during this period shall not be credited towards meeting the requirements described in Subpart C and Section 14 of the Act. At the end of this period the suspended certificate shall be considered valid.

c) If a Certificate of Competency is revoked, the operator may not reapply for any certificate for a period of not less than one and a half years but not more than four years. This period shall be set according to the factors listed in subsection (a).

d) After a Certificate of Competency is revoked, an operator may not apply for a certificate until after the period set pursuant to subsection (c) above has elapsed. In order to obtain a certificate the operator must successfully complete a written examination for the class certificate sought and meet the requirements of Sections 4, 13, 14, 16, and 22 of the Act. Education and experience gained prior to revocation shall be credited towards meeting the requirements described in Subpart C. However, any experience obtained during the period set pursuant to subsection (c) above will not be credited towards certification.

**The-Director-shall-make-a-decision-within-30-days-after-receiving-the recommendation-of-the-Advisory-Board--The-Director-shall-give-written-notice or-that-decision-and-reasons-for-that-decision-to-the-operator-by-certified mail-**

(Source: Amended at 24 Ill. Reg. 7263, effective App 24 2000)

## Section 680.705 Appeal

Within 35 30 days after of receipt of a notice of sanction suspension/revocation from the Agency, the operator may appeal the sanction suspension/revocation to the Pollution Control Board. The suspension/revocation of the operator's Certificate of Competency shall be stayed pending a final decision on the appeal by the Pollution Control Board.

(Source: Amended at 24 Ill. Reg. 7263, effective App 24 2000)

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## SUBPART H: CERTIFICATE RENEWAL, RESTORATION, AND REQUIRED TRAINING

**Section 680.801 Certificate Expiration**

Drinking water operator certificates are issued with the expiration date being 3 years from July 1 of the calendar year in which the certificate was issued.

(Source: Added at 24 Ill. Reg. 72 63, effective APR 24 2000)

**Section 680.802 Certificate Renewal**

By May 31 of the year a certificate is due to expire, the Illinois EPA shall mail a Renewal Application Form to the operator at the most recent address the Agency has on file for the operator. The Renewal Application Form shall specify the certificate expiration date, fees due, training requirements for certificate renewal, and an itemization of the completed training on file with the Agency. The operator is responsible for itemizing any additional accumulated training hours (completed training not previously submitted to the Agency) on the renewal application by documenting the following information for each completed training activity:

## Training provider name:

## Name of course or training event:

## Training description or course content summary:

## Drinking water related competencies developed or maintained:

## Location of training:

## Dates of training (beginning and ending): and

## Training hours completed.

After completing the required information, the operator is responsible for signing the Renewal Application Form and returning it along with the appropriate fees to the Agency on or before June 30. A grace period for submitting the completed Renewal Application Form shall be granted until August 1 before the restoration fee is assessed.

The completed Renewal Application Form shall contain a certification statement to be signed by the operator to certify that all information provided in the Renewal Application Form is true and complete. The Agency shall not process Renewal Application Forms that are not signed by the operators seeking renewal. Falsification of a Renewal Application Form shall result in denial of certificate renewal and/or certificate revocation. Failure to receive the renewal application does not exempt a certified water supply operator from meeting the renewal deadline.

(Source: Added at 24 Ill. Reg. 72 63, effective APR 24 2000)

**Section 680.803 Renewal Application Filing Deadlines**

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- a) A certified water supply operator shall complete the renewal application with the required information and submit the application with appropriate fees to the Agency on or before June 30 of the year in which the certificate expires. A grace period for renewal will be granted until August 1 of that year before the restoration fee is assessed. No renewal shall be issued by the Agency after August 1.
- b) Expired certificates shall have no validity.

(Source: Added at 24 Ill. Reg. 72 63, effective APR 24 2000)

**Section 680.804 Renewal Training Requirements**

Certified drinking water operators are required to obtain a specified amount of training in order to qualify for certificate renewal. Class A and Class B operators are required to obtain 30 hours of training and Class C and Class D operators are required to obtain 15 hours of training during the 3 year certificate period before the certificate expiration date. Training hours are required for renewal or restoration of certificates that expire after July 1, 2002.

(Source: Added at 24 Ill. Reg. 72 63, effective APR 24 2000)

**Section 680.805 Restoration of Expired Certificates**

An individual whose certificate has been expired for less than 2 years may have the certificate restored only upon payment of the required restoration fee and upon a demonstration that the required training has been completed, as required by Section 680.804 of this Subpart. A restored certificate expires on the original certificate expiration date. An individual whose certificate has been expired for 2 or more years must reapply and obtain a passing score on an examination in order to be certified as a water supply operator.

(Source: Added at 24 Ill. Reg. 72 63, effective APR 24 2000)

**Section 680.806 Training Criteria**

Specific training sessions, courses, meetings, etc. must meet all of the following criteria to be accepted for certificate renewal:

- a) The training must directly relate to water distribution, water treatment or the professional responsibilities of the operator. Allowable training topics include but are not limited to:

Coagulation and Flocculation  
Corrosion Control  
Demineralization

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Disinfection  
Distribution System Facilities  
Distribution System  
Operation and Maintenance  
Drinking Water Related Computer Courses  
Electrical Maintenance  
Emergency Planning and Preparation  
Filtration  
Fluoridation  
Ground Water Protection  
Ground Water Treatment  
Instrumentation  
Iron and Manganese Control  
Laboratory Procedures  
Membrane Technology  
Process Waste Handling and Disposal  
Pumps and Hydraulics  
Reservoir Management and Intake Structures  
Reverse Osmosis  
Safety  
Sampling and Operating Reports  
Sedimentation  
Surface Water Treatment  
Surface Water Protection  
Taste and Odor Control  
Trihalomethanes  
Utility Administration Management  
Water Quality  
Water Softening  
Water Sources & Treatment  
Water Storage Facilities  
Water Supply Math and Chemistry  
Water Supply Operation and Maintenance  
Wells

b) Training may be provided by any of the variety of organizations equipped to provide such training, such as colleges and universities, technical institutes, educational units of governmental or industrial agencies, professional operator organizations, and equipment suppliers and manufacturers. Training that meets the criteria, regardless of the location of the training or training provider, is allowed for renewal training credit. For example, drinking water related training from another state will be allowed for credit provided the criteria is met. In-house training programs provided at drinking water supplies are also allowed for training credit provided all training criteria are met and proof of training documentation is provided to the trainees.

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c) Acceptable training formats include classroom courses, teleconferences, courses offered via the Internet, workshops, seminars, correspondence courses, in-house training programs, and drinking water related training sessions at conferences/meetings of professional operator organizations. Training credit is also allowed for teachers or presenters of training for the first time a course is taught or a drinking water related presentation is made.

d) Training providers, or training sponsors, must provide proof of training documentation to trainees in order for the training to be accepted for certificate renewal. Training providers, or training sponsors, may request pre-approval of training by submitting a Training Provider Application for Course/Training Event Approval Form to the Agency.

(Source: Added at 24 Ill. Reg. 7263 effective  
Apr 24 2000)

## Section 680.807 Proof of Training Records, Record Keeping, Audits

Certified water supply operators are required to maintain their own proof of training records for a period of 4 years. The Agency may audit proof of training records by random selection or when additional information is required. Failure to provide proof of training documentation when specifically requested by the Agency may result in denial of certificate renewal, denial of certificate restoration, or certificate revocation. Proof of training records must include:

a) Records showing the name of the course or training activity, name of the training provider, the instructor's or speaker's name, the location of training, the dates of training, and the total training hours completed (specified actual hours, Continuing Education Units, or Quarter Hours/Semester Hours);

b) A program/course outline, conference/meeting agenda, or narrative summary of training;

c) Attendance verification records, such as completion certificates, diplomas, grade slips, registration payment receipts, or other documents to verify attendance for training where official documents are provided, or name, address, and telephone number of training provider where official documents are not provided.

(Source: Added at 24 Ill. Reg. 7263 effective  
Apr 24 2000)

## Section 680.808 Training Exclusions

Types of training activities that shall be excluded from renewal training credit are those that do not directly relate to water distribution, water treatment, or the professional responsibilities of the operator. The following are not considered training for the purpose of meeting the certificate renewal



training requirements:

Entertainment or recreational activities;  
On the job work or apprenticeships;  
Personal self-improvement courses;  
Plant tours (unless drinking water related training is integrated into the tour);  
Portions of meetings and conferences when drinking water related training is not provided (i.e., business session, lunch, breaks, etc.);  
Time spent viewing conference/meeting exhibits; and  
Travel time to and from training activities.

(Source: Added at 24 Ill. Reg. 72 63, effective APR 24 2000)

Section 680.809 Meetings and Conferences of Professional Operator Organizations

Operators may receive training credit for certificate renewal by attending training sessions presented at meetings and conferences of professional operator organizations. In order to receive training credit, each training session attended during a meeting or conference must be identified and included on an Operator Training Submission Form provided by the Agency.

(Source: Added at 24 Ill. Reg. 72 63, effective APR 24 2000)

Section 680.810 Submission of Training Hours

Operators may submit completed training for renewal credit to the Agency using Operator Training Submission Forms provided by the Agency. Submission of training hours must occur prior to certificate renewal. The operator is responsible for documenting accumulated training hours on the Operator Training Submission Forms by providing the same documentation as described in Section 680.802 of this Subpart.

(Source: Added at 24 Ill. Reg. 72 63, effective APR 24 2000)

Section 680.811 Waiver of Required Training

In an extreme hardship case, and upon recommendation of the Advisory Board, the Agency may grant a waiver from the renewal training requirement when it is demonstrated and documented that it was impossible for an operator to obtain the required training. Examples of extreme hardship may include serious medical conditions or extended military service. Individuals applying for a training waiver must provide the Agency with a written request for an Advisory

Board review within 2 years after the certificate expiration date.

(Source: Added at 24 Ill. Reg. 72 63, effective APR 24 2000)

Section 680.812 Issuance of Renewed and Restored Certificates

The Agency will reissue or restore certification when the Agency has determined that the applicant has satisfied all applicable certification requirements and has paid all applicable fees.

(Source: Added at 24 Ill. Reg. 72 63, effective APR 24 2000)

Section 680.813 Contested Renewal, Restoration, and Training Determinations

Operators, training providers, and training sponsors may contest Agency determinations regarding denial of certificate renewal or restoration, denial of training credit, and determinations regarding the amount of training credit to be awarded for a specific training event. Contested Agency determinations will be forwarded to the Advisory Board for recommendation. Individuals contesting an Agency determination must provide the Agency with a written request for an Advisory Board review within 30 days after the Agency determination. The written request shall state the name and address of the individual, the Agency determination being contested, and all information to support the individual's position.

(Source: Added at 24 Ill. Reg. 72 63, effective APR 24 2000)

SUBPART I: GRANDPARENTING

Section 680.901 Grandparenting

a) The registered person in responsible charge of a previously-exempt community water supply on July 9, 1999 may be issued a certificate of competency, with no fee required, after July 9, 1999, for the community water supply for which the individual is registered. The community water supply owner must make application for grandparenting of the operators in responsible charge within 2 years after July 9, 1999. This certificate is non-transferable, site specific, and is not valid if the water system is reclassified to a higher level. [415 ICFS 45/19]

b) For the initial renewal of a Certificate of Competency issued under this Section, the operators must successfully complete designated training provided by the Agency and pay the required renewal fee in accordance with Section 22 of the Law.

c) For subsequent renewal of a Certificate of Competency issued under

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this Section, the operators may renew every 3 years in accordance with Sections 18 and 22 of the Law.

(Source: Added at 24 Ill. Reg. 7286 effective  
APR 24 2000)

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1) Heading of the Part: Portability of Creditable Service Time for Downstate and Suburban Police Pension Funds

2) Code Citation: 50 Ill. Adm. Code 4404

3) Section Number:  
 4404.10 Adopted Action:  
 Amended  
 4404.20 Amended  
 4404.30 Amended  
 4404.40 Amended  
 4404.50 Amended  
 4404.60 Amended  
 4404.70 Amended  
 4404.73 New Section  
 4404.76 New Section  
 4404.80 Amended  
 4404.90 Amended  
 4404.100 Amended  
 4404.110 Amended  
 4404.130 Amended  
 ILLUSTRATION B Repealed

4) Statutory Authority: Implementing Sections 3-110 and 110.7 and authorized by Section 3-110 of the Illinois Pension Code (40 ILCS 5/3-110 and 110.7).

5) Effective Date of Amendments: April 26, 2000

6) Does this amendment contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: December 10, 1999, 23 Ill. Reg. 14178

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version:

In Section 4404.50(d)(1), amended by adding "most recent" before "funding" such that that paragraph reads as follows:

d) The current pension fund board of trustees shall determine the true cost for the requested period of creditable service time with information provided to the current pension fund by either:



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- 1) the Illinois Department of Insurance, upon written request submitted in the format prescribed by Illustration A of this Part. The Department will return the information requested within 30 days after receipt of such request, if the Department's actuarial valuation was used for determining the most recent funding requirements of the current pension fund, or

In Section 4404.130(1)(3), deleted "or chief of police" after "officer": such that that paragraph will read as follows:

- i) And finally, the current pension fund must provide a copy of the agreed to payment schedule which must identify:
- 1) The total amount of contributions, including any fees or interest needed from the officer or chief of police to satisfy the effective transfer of the designated creditable service time;
  - 2) The payment schedule itself; and
  - 3) Any contributions paid by the officer.

- 12) Have all changes agreed upon by the agency and JCAB been made as indicated in the agreements issued by JCAB? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of rulemaking: The subject involved concerns the portability of creditable service earned by a police officer in a prior pension fund transferred to the current pension fund pursuant to Sections 3-110 and 110.7 of the Illinois Pension Code. The issues involved revolve around the amount of monies transferred from the prior pension fund to the current pension fund.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Chuck Feinen  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217)782-2867

The full text of the adopted amendments begins on the next page.

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TITLE 50: INSURANCE  
CHAPTER 1: DEPARTMENT OF INSURANCE  
SUBCHAPTER aaa: PENSIONS

## PART 4404

PORTABILITY OF CREDITABLE SERVICE TIME FOR  
DOWNSTATE AND SUBURBAN POLICE PENSION FUNDS

Section	Purpose
4404.10	Applicability
4404.20	Definitions
4404.30	Request and Recision Notifications
4404.40	Method for Calculation of the True Cost
4404.50	Current Fund Notification Requirement
4404.60	Prior Fund Notification Requirement
4404.70	Calculation of the Amount to be Transferred from the Prior Pension Fund to the Current Pension Fund
4404.73	Calculation of the Amount Required to Reinstated Creditable Service if a Refund was Received
4404.76	Current Fund Payment Schedule
4404.80	Final Authorization to Transfer or Withdraw
4404.90	Transfer of Creditable Service Time
4404.100	Failure to Pay, or Death of the Officer or Chief of Police
4404.110	Forfeiture
4404.120	Current Pension Fund Reporting Requirements
4404.130	Failure to Comply
4404.140	

ILLUSTRATION A DOI Information Request for an Officer's Creditable Service Transfer

ILLUSTRATION B DOI Information Request for a Chief of Police's Creditable Service Transfer (Repealed)

AUTHORITY: Implementing Section 3-110 and 3-110.7, and authorized by Section 3-110 of the Illinois Pension Code [40 ICS 5/3-110 and 3-110.7].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 16453, effective December 9, 1997, for a maximum of 150 days ~~7/28/97~~ <sup>1/1/00</sup>, effective May 4, 1998; amended at 24 Ill. Reg. ~~1/1/00~~ <sup>1/1/00</sup>, effective ~~1/1/00~~ <sup>1/1/00</sup>.

## Section 4404.10 Purpose

The purpose of this Part is to set forth the underlying calculations involved concerning the transfer of money among the prior pension fund, the current pension fund and the officers; and the associated requirements to transfer all previously accumulated creditable service by ~~allow~~ <sup>allow</sup> an active member ~~members~~ of either an Article 3 police pension fund pursuant to Sections 3-110 and 3-110.7

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of the Illinois Pension Code (40 ILCS 5/3-110 and 3-110.7). ~~or a chief of police who is a member of the Illinois Municipal Retirement Fund (IMRF) program for Sheriff's Law Enforcement Employees (SLEEL) to transfer all of their previously accumulated creditable service time to a specified Article 3 police pension fund or the entire municipal law enforcement service time held in IMRF.~~

(Source: Amended at 24 Ill. Reg. 7287, effective APR 26 2000.)

## Section 4404.20 Applicability

This Part applies to any active member of a pension fund established under Article 3 of the Illinois Pension Code, except that an active member may not transfer creditable service under this Part from a prior pension fund if the officer did not actively serve in the police department under the prior pension fund for at least 2 years, unless:

- a) The police officer did not actively serve in the police department under the prior pension fund for at least 2 years as a result of being laid off or otherwise involuntarily terminated for a reason other than the fault of the police officer; or
- b) The police officer was not actively serving in the police department of the prior pension fund on or after August 17, 1997, at the transfer of creditable service provisions of this Part apply to:
  - i) Any police officer who has actively served at least 2 years in the police pension fund from which creditable service time is being transferred; except for:

- A) those officers who were laid off or otherwise involuntarily terminated through no fault of the officer with less than 2 years of service in the pension fund; or
- B) those officers who were not in service under the previous fund on or after August 17, 1997, and:
  - 2) Beginning August 17, 1997, and until January 1, 1999, a chief of police who has previously elected to participate in the Illinois Municipal Retirement Fund (IMRF) program for Sheriff's Law Enforcement Employees (SLEEL) may rejoin this election and transfer municipal law enforcement service back to the Article 3 police pension fund in which the person is currently an active member;

b) This Part also applies to the following police pension funds:

- i) Any Article 3 police pension fund established pursuant to Section 3-401 of the Illinois Pension Code (40 ILCS 5/3-401); and
- 2) The Illinois Municipal Retirement Fund (IMRF) established pursuant to Section 7-101 of the Illinois Pension Code (40 ILCS 5/7-101).

(Source: Amended at 24 Ill. Reg. 7287, effective APR 26 2000.)

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## Section 4404.30 Definitions

Active Member shall be defined as an officer that is in active service and a participant of a pension fund established pursuant to Article 3 of the Illinois Pension Code.

~~Chief of Police shall be defined by Section 3-109.1 of the Illinois Pension Code (40 ILCS 5/109.1) (see P.A. 98-460 effective August 17, 1997).~~

Creditable Service shall be defined by Section 3-110 of the Illinois Pension Code (40 ILCS 5/3-110 ~~see P.A. 98-460 effective August 17, 1997~~).

Current Pension Fund shall be defined as the pension fund where the officer is presently a Participant.

Date of Refund shall be defined as the date the officer received a refund from a pension fund pursuant to Section 3-124 of the Illinois Pension Code (40 ILCS 5/3-124).

Date of Transfer shall be defined as the date the officer's application for transfer of creditable service time is received by the current pension fund. ~~This definition shall apply for purposes of calculation only under Section 3-110.7(i) of the Illinois Pension Code (40 ILCS 5/3-110.7(a)(1)).~~

Director shall be defined as the Director of the Illinois Department of Insurance.

~~IMRF shall be defined as the Illinois Municipal Retirement Fund.~~

~~Municipal Law Enforcement Service shall be defined as service with the police department of a participating municipality for which the applicant established creditable service under Section 7-109.9 as a result of an election exercised under Section 3-109.1 of the Illinois Pension Code (40 ILCS 5/7-109.9 and 3-109.1).~~

Participant shall be defined as a participating member, or deferred pensioner or annuitant, of a pension fund as provided in Article 3 of the Illinois Pension Code under which the pension fund is established (40 ILCS 5/3-101).

Pension Division shall be defined as the Public Employee Pension Division of the Illinois Department of Insurance.

Police Officer or Officer shall be defined by Section 3-106 of the Illinois Pension Code (40 ILCS 5/3-106).

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Prior Pension Fund shall be defined as the pension fund from which the officer may transfer previously accumulated creditable service to the current pension fund.

~~SBBB-shall-be-defined-as-the-Sheriff's-Law-Enforcement-Employees program.~~

Qualified Actuary shall be defined as either a member of the American Academy of Actuaries, or an individual who has demonstrated to the satisfaction of the Director that he or she possesses ~~possession~~ educational background necessary for the practice of actuarial science, who also possesses not less than 7 years of relevant actuarial experience.

Refund shall be defined as the amount of contributions an officer received pursuant to Section 3-124 of the Illinois Pension Code [40 ILCS 5/3-124].

True Cost shall be defined as the increase in the actuarial accrued liability or reserve amount, as applicable, calculated pursuant to Section 4404.50 of this Part and Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110], resulting from the transfer of creditable service from the prior pension fund to the current pension fund.

(Source: Amended at 24 Ill. Reg. 7287 effective April 26, 2000)

## Section 4404.40 Request and Recision Notifications

a) Any police officer who is an active member of an Article 3 police pension fund must submit a written request to his or her current pension fund board of trustees identifying ~~and-identifying~~, by date and time frame, the accumulated ~~period-of~~ creditable service time to be transferred from the prior police pension fund(s) and ~~must-also-identify~~ the prior pension fund(s). The police officer must also identify any ~~periods-of~~ creditable service time which the officer is required prepared to reinstate pursuant to Section 3-110.7(b) of the Illinois Pension Code [40 ILCS 5/3-110.7(b)] in order for it to qualify as creditable service time to be transferred. When requesting to transfer accumulated creditable service, all accumulated creditable service with that prior pension fund must be transferred.

b) ~~Beginning-August-1-1997--and-until-January-1-1999--a-chief-of-police-who-is-a-participant-in-the-ILRP-SBBB-may-receiv--his-or-her-election-to-participate-in-that-fund--this-may-include-periods-of-creditable-service-time-that-have-been-reinstated-pursuant-to-Sectio--7-139-9(b)-of-the-Illinois-Pension-Code-(40-ILCS-5-7-139-9(b))--A-recision-notification-must-be-submitted-in-writing-to-the-ILRP--board-of-trustees-and-must-also-be-copied-to-the-board-of-trustees-for-the-current-fund-in-which-the-chief--of--police-is-seeking-transfer--of~~

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~~Creditable-service-time:~~

(Source: Amended at 24 Ill. Reg. 7287, effective April 26, 2000)

## Section 4404.50 Method for Calculation of the True Cost

a) The qualified actuary shall provide the current pension fund with the actuarial accrued liability assuming continuation of active status, and the amount of reserve for each possible status that may apply to the officer as set forth in subsection (b) of this Section ~~or-chief-of-police--piece--see-subsection-(b)-of-this-Section~~. The actuarial accrued liability and reserve amounts shall be computed utilizing using the actuarial cost method, and ~~including~~ the same assumptions that were used for determining the most recent actuarial valuation for the current pension fund.

b) The possible status choices which may be considered, in addition to the requirement of remaining active as an officer ~~or-chief-of-police~~ until the completion of the transfer, are: retirement, deferred retirement, disability and withdrawal. For each applicable status choice, the actuary shall provide the current pension fund with two actuarial accrued liability, or reserve, amounts. The first amount shall be the actuarial accrued liability, or reserve, computed using the combined years of service in the current fund and previous fund(s). The second amount shall be the actuarial accrued liability, or reserve, computed using only the years of service in the current fund. These amounts shall be computed as of the date the current pension fund receives the request for transfer of creditable service. The benefit amounts used in computing the actuarial accrued liability, and reserve, amounts shall be consistent with the years of service used in each separate actuarial accrued liability, or reserve, amount calculation. The true cost for each status shall be equal to the excess of the amount computed using the combined years of service in all funds over the amount computed using the years of service in the current pension fund.

c) The method of calculating the true cost of transferring creditable service time shall be dependent on the anticipated status of the officer ~~or-chief-of-police~~ as determined by the current pension fund at the time of the service transfer, or immediately thereafter. It is the current pension fund's responsibility to determine the most likely status of the officer ~~or-chief-of-police~~ after the transfer of creditable service time.

d) The current pension fund board of trustees shall determine the true cost for the requested period of creditable service time with information provided to the current pension fund by either:

- 1) the Illinois Department of Insurance, upon written request submitted in the format prescribed by Illustration A of this Part. The department will return the information requested.

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within 30 days after receipt of such request, if the Department's actuarial valuation was used for determining the most recent funding requirements of the current pension fund, or

2) the qualified actuary who was retained by the municipality or pension fund to determine the most recent actuarial valuation used for determining the funding requirements of the current fund.

(Source: Amended at 24 Ill. Reg. 7287, effective Apr 26 2000.)

**Section 4404.60 Current Fund Notification Requirement**

Within 30 days after receipt of the police officer's request, the current pension fund shall provide written notification to both the requesting officer or ~~chief-of-police~~ and the prior pension fund(s) verifying receipt of such request. ~~and The current pension fund shall obtain verification of the creditable service time on record with the prior pension fund, as well as the amount the prior pension fund will transfer to the current pension fund as calculated pursuant to Section 4404.73 of this Part and the amount the police officer is required to pay the prior pension fund in order to reinstate service as calculated pursuant to Section 4404.76 of this Part. At this time the current pension fund shall also provide written notification to the independent actuary of the Department of Insurance (DOI) as applicable, requesting the actuarial amounts to be used in the true cost determination. Illustration A of this Part must accompany the notification if the DOI is requested to perform performing the actuarial calculations.~~

(Source: Amended at 24 Ill. Reg. 7287, effective Apr 26 2000.)

**Section 4404.70 Prior Fund Notification Requirement**

Within 30 days after receipt of the current pension fund's notification, the prior pension fund(s) shall provide written notification, to both the requesting officer or ~~chief-of-police~~ and the current pension fund, verifying which ~~verifies~~ receipt of the notification required by Section 4404.60 of this Part. The prior fund(s) must also verify the creditable service time on record, and identify the amount of money due to be transferred to the current fund on behalf of the officer as calculated pursuant to Section 4404.73 of this Part, or ~~chief-of-police~~ specifically broken down into categories including employee contributions, employer contributions, and interest ~~and any~~ ~~payments~~. In the event that a refund has been taken, the prior pension fund must also notify the officer and the current pension fund or ~~chief-of-police~~ of the amount of money that is owed to the prior pension fund in order ~~will be necessary~~ to reinstate that service time as calculated pursuant to Section 4404.76 of this Part. The prior fund's notification to the officer and the current pension fund must identify that portion of the amount owed for

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reinstatement that is attributable to the refund received by the officer and that portion of the amount that is attributable to the interest on the refund.

(Source: Amended at 24 Ill. Reg. 7287, effective Apr 26 2000.)

**Section 4404.73 Calculation of the Amount to be Transferred from the Prior Pension Fund to the Current Pension Fund**

Upon receiving the notification from the current pension fund, as set forth in Section 4404.60 of this Part, the prior pension fund must notify the current pension fund of the amount of money that is to be transferred to the current pension fund upon the police officer's decision to transfer creditable service time. That amount shall equal:

- The amounts actually contributed by, or on behalf of, the applicant to the fund as employee contributions, plus interest on those amounts at the rate of 6% per year, compounded annually, from the date of contribution to the date of transfer; and
- An amount representing employer contributions, equal to the total amount determined under subsection (a) of this Section.

(Source: Added at 24 Ill. Reg. 7287, effective Apr 26 2000.)

**Section 4404.76 Calculation of the Amount Required to Reinstate Creditable Service if a Refund was Received**

If the officer received a refund from the prior pension fund upon leaving that pension fund, in order to reinstate the accumulated creditable service the officer must pay the prior pension fund the amount of the refund plus interest thereon at the rate of 6% per year, compounded annually. The interest shall be calculated from the date of refund to the date of transfer.

(Source: Added at 24 Ill. Reg. 7287, effective Apr 26 2000.)

**Section 4404.80 Current Fund Payment Schedule**

Within 14 days after receipt of the prior pension fund(s) notification, the current pension fund shall notify the requesting officer or ~~chief-of-police~~ of the additional contribution ~~total~~-amount needed from the officer or ~~chief-of-police~~ to transfer the designated creditable service time as required by Section 3-110 of the Illinois Pension Code [40 ILCS 5/3-110]. This figure should represent the true cost ~~total~~-amount necessary to transfer the designated creditable service time minus the amount payable by the prior pension fund(s) as calculated pursuant to Section 4404.73 of this Part leaving a balance payable by the officer or ~~chief-of-police~~ to satisfy the true cost of effectively transferring the designated creditable service time. This

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additional contribution is in addition to any amount required to be paid by the officer to reinstate the prior creditable service where a refund had been received as calculated in Section 4404.76 of this Part. In addition, the current pension fund must:

- Specify the method of payment as either a lump sum or a schedule of payments, to include 6% annual interest on the declining balance, and any fees, not to exceed the 5 year statutory limit (see 40 ICs 5/3-110(d)(3)), deemed acceptable by the current pension fund board of trustees and that payment must be made in full before the officer or chief-of-police terminates service; and
- Notify the officer or chief-of-police that once final authorization has been given pursuant to Section 4404.90 of this Part, such transfer cannot be reversed, and failure to satisfy the agreed to payment arrangement will result in a forfeiture of the employer paid portion and any accumulated interest on the designated creditable service time pursuant to Section 3-110.7 of the Illinois Pension Code [40 ICs 5/3-110.7] (see PR-98-469-effective August-1997).

(Source: Amended at 24 Ill. Reg. 7287 effective APR 26 2000)

## Section 4404.90 Final Authorization to Transfer or Withdraw

Within 14 days after receiving notification from the current pension fund, which must include a payment schedule deemed acceptable to meet the additional amount due, if applicable, the officer or chief-of-police must either:

- Provide an irrevocable written authorization to transfer creditable service time to the current pension fund, and if applicable, repay the prior fund any refund with interest; or
- Submit a written request to withdraw the initial application for transferring creditable service to the current pension fund; or
- If the officer or chief-of-police fails to take action by the 15th day, pursuant to either subsection (a) or (b) of this Section, the initial request to transfer the designated creditable service time will be automatically withdrawn.

(Source: Amended at 24 Ill. Reg. 7287 effective APR 26 2000)

## Section 4404.100 Transfer of Creditable Service Time

- Within 7 days after final authorization from the officer or chief-of-police has been received by the current pension fund, the current pension fund must forward a copy of the final authorization to the prior pension fund(s).

- Within 30 days after the prior pension fund(s) receives receive a copy of the officer's or chief-of-police's final authorization and the repayment of any refund with interest, if applicable, the prior

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pension fund must transfer the designated creditable service time to the current pension fund along with the payment of all moneys required to be transferred pursuant to Section 4404.73 of this Part.

(Source: Amended at 24 Ill. Reg. 7287 effective APR 26 2000)

## Section 4404.110 Failure to Pay, or Death of the Officer or Chief-of-Police

- In the event that the officer or chief-of-police fails to pay the additional contributions required by the current pension fund to satisfy the effective transfer of the designated creditable service time deemed appropriate by the board of trustees and agreed to by the officer or chief-of-police, or the officer or chief-of-police terminates service before the expiration of the statutory 5 year maximum:

- The officer or chief-of-police will receive an amount equal to the amounts actually contributed by, or on behalf of, the applicant to the prior pension fund as employee contributions; and if applicable, the amount of interest paid by the officer to the prior pension fund to reinstate creditable service as calculated by Section 4404.76 of this Part a refund of the actual employee-contributions-transferred within 30 days after failure to meet the terms of the agreed to payment schedule; plus-any interest-paid-for-reinstating-service-time-from-the-prior-pension fund; and
- All partial payments made by the officer or chief-of-police to the current fund.

- In the event that the officer or chief-of-police dies in service before payment of additional contributions has been satisfied and prior to the 5 year statutory payment period maximum:

- The surviving spouse has up to 6 months after the officer's or chief-of-police's death to pay the remaining balance due to satisfy the payment schedule; or
- The surviving spouse shall be entitled to the same refund as specified in subsection (a) of this Section.

(Source: Amended at 24 Ill. Reg. 7287 effective APR 26 2000)

## Section 4404.130 Current Pension Fund Reporting Requirements

Within 30 days after the designated creditable service time has been transferred to the current pension fund, the current pension fund must file a report with the Pension Division. The report must contain the following:

- The name and FEIN of the current pension fund to which creditable service time was transferred;
- The name and FEIN of the prior pension fund from which creditable



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- service time was transferred;
- c) The name and Social Security Number of the officer or chief of police for whom creditable service time was transferred;
- d) The beginning and ending dates for all periods of creditable service time transferred;
- e) The amount transferred, including a breakdown of the total to include:
- 1) The formula and assumptions used to determine the amount representing the officer's or chief of police's contributions, including the amount itself;
  - 2) The formula and assumptions used to determine the amount of interest paid on the amounts in subsection (e)(1) of this Section, including the amount itself;
  - 3) The formula and assumptions used to determine the amount of interest paid by the officer or chief of police to reinstate service, if any, including the amount itself;
  - 4) The amount designated as the employer contribution; and
  - 5) Any other assumptions used;
- f) In addition, the report must also contain the date that the designated creditable service time was transferred;
- g) The true cost of transferred creditable service time;
- h) If the actuarial accrued liability and reserve amounts used in determining the true cost of transferring creditable service time were calculated by a qualified actuary pursuant to Section 4404.50(d)(2) of this Part, then an actuarial certification must be filed by the current pension fund and must contain a statement that the actuarial accrued liabilities or reserves were calculated by the undersigned actuary in compliance with Section 4404.50(a), (b) and (c) of this Part; and
- i) The And--finally--the current pension fund must provide a copy of the agreed to payment schedule which must identify:
- 1) The total amount of contributions, including any fees or interest needed from the officer or chief of police to satisfy the effective transfer of the designated creditable service time;
  - 2) The payment schedule itself; and
  - 3) Any contributions paid by the officer or chief of police.

(Source: Amended at 24 Ill. Reg. 7287, effective April 26, 2000)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

Section 4404. ILLUSTRATION B DOI Information Request for a Chief of Police's Creditable Service Transfer (Repealed)

Please Forward This Request To:

Illinois Department of Insurance  
Public Employee Pension Division  
390 West Washington Street  
Springfield, Illinois 62767-8003

Within 30 working days after the Illinois Department of Insurance receives this request the Department will provide the current pension fund with the actuarial accrued liability and reserve amounts to be used in determining the true cost of transferring creditable service time.

1. Chief of Police's Name: -----
2. SSN: -----
3. B-O-B: -----
4. Entry Date into IMRP-SBBB: -----
5. Date Current Municipality Article 3 Pension Fund Received Request for Creditable Service Transfer: -----
6. Chief of Police's Age at the time the Current Pension Fund Received the Request for Creditable Service Transfer: -----
7. Current Annual Salary of Chief of Police as of the Date the Current Article 3 Pension Fund Received the Request for Creditable Service Transfer: -----
8. Years, Months and Days of Creditable Service Time in IMRP-SBBB to Date the Current Article 3 Pension Fund Received the Request for Creditable Service Transfer: -----

9. Entry Date into Prior Article 3 Pension Fund Not Included in IMRP-SBBB Creditable Service Time: -----
10. Date of Termination from Prior Article 3 Pension Fund Not Included in IMRP Creditable Service Time: -----
11. Years, Months and Days of Creditable Service Time Being Transferred from IMRP-SBBB: -----
12. Years, Months and Days of Creditable Service Time Being Transferred from



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

13- ~~Prior Article-3-Pension-Fund-Not-Included-in-IRWP-SRRB:~~

13- ~~Current-Article-3--Pension-Fund-Contract--Person--Waiting--Address--and  
Telephone-Number:~~

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(Source: Repealed at 24 Ill. Reg. 7287 effective  
APR 26 2000)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Home Medical Equipment and Services Provider Act
- 2) Code Citation: 68 Ill. Adm. Code 1253
- 3) Section Numbers: Adopted Action:  
1253.10 New Section  
1253.20 New Section  
1253.30 New Section  
1253.40 New Section  
1253.50 New Section  
1253.60 New Section  
1253.70 New Section  
1253.80 New Section  
1253.90 New Section  
1253.100 New Section
- 4) Statutory Authority: Implementing the Home Medical Equipment and Services Provider Act [225 ILCS 51]
- 5) Effective Date of Rules: May 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? Yes
- 8) A copy of the adopted rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: November 5, 1999, at 23 Ill. Reg. 13551
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Differences between proposal and final version: Section 1253.90 has been retitled from "Professional Conduct Standards" to "Dishonorable, Unethical or Unprofessional Conduct". In Subsection 1253.20(e), the phrase "not in the public interest" was deemed impossible to define and has been deleted.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace emergency rules currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: Public Act 90-532, effective January 31, 1997, provides for the licensure of home medical equipment and services

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

providers by the Department of Professional Regulation. When adopted, these rules will allow the Department to begin accepting and processing licensure applications.

Section 1253.20 sets forth the requirements for applicants to obtain a license. The rules also set forth procedures to be followed when a change in ownership or operation takes place, for renewal of a license and under what circumstances the Director of the Department may grant variances to these rules. Acts constituting unethical, unauthorized or unprofessional conduct have been set forth in Section 1253.90.

Fees for home medical equipment and services provider licensure, renewal and general processing fees are set forth in Section 1253.70.

- 16) Information and questions regarding this adopted part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813  
Fax: 217/782-7645

The full text of the adopted rules begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1253

## HOME MEDICAL EQUIPMENT AND SERVICES PROVIDER ACT

Section	
1253.10	Definitions
1253.20	Application for Licensure
1253.30	Personnel
1253.40	Laws Applicable to Home Medical Equipment and Service Providers
1253.50	Change of Ownership
1253.60	Change of Operations
1253.70	Fees
1253.80	Renewals
1253.90	Dishonorable, Unethical or Unprofessional Conduct
1253.100	Granting Variances

AUTHORITY: Implementing the Home Medical Equipment and Services Provider Act [225 ILCS 51] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 24 Ill. Reg. 7301 effective MAY 1 2000.

## Section 1253.10 Definitions

"Act" means the Home Medical Equipment and Services Provider Act [225 ILCS 51].

"Board" means the Home Medical Equipment and Services Board.

"Department" means the Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

"Provider" means a licensed home medical equipment and services provider as defined in Section 5 of the Act.

"Recognized accrediting body" as referenced in the Act and this Part shall mean Joint Commission on Accreditation of Health Care Organizations (JCAHO), Accreditation Commission for Home Care Inc. (ACHC) and any other organization recommended by the Board and approved by the Department.

## Section 1253.20 Application for Licensure

## DEPARTMENT OF PROFESSIONAL REGULATION

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## NOTICE OF ADOPTED RULES

## NOTICE OF ADOPTED RULES

a) Entities applying for licensure as a home medical equipment and services provider shall file an application with the Department, on forms provided by the Department. The application shall include the following:

- 1) The name, location (including street, city, state (no post office box)) and telephone number of the applicant;
- 2) Certification of insurance from the insurer showing \$1,000,000 of commercial general liability insurance, including but not limited to coverage for products liability and professional liability;
- 3) All trade or business names used by the applicant;
- 4) A list of categories of services provided;
- 5) Medicare identification Number (if applicable);
- 6) Name of the person in charge of the day to day operation of the business;
- 7) The type of ownership or operation (i.e., partnership, limited liability company, corporation or sole proprietorship). If a corporation, a copy of the articles of incorporation;
- 8) The name of the owner and/or operator of the entity, including:
  - A) The name of the person, if a person;
  - B) The name of each partner and the name of the partnership, if a partnership;
  - C) The name and title of each corporate officer and director, the corporate names, the name of the state where incorporated and the name of the parent company, if any, if a corporation;
  - D) The full name of the sole proprietor and the name of the business entity, if a sole proprietorship; or
  - E) The full name and title of each member with 5% or more ownership and each manager of a limited liability company and the name of the state where organized and a copy of the articles of organization and the name of any parent company, if any;
- 9) The fee set forth in Section 1253.70 of this Part;
- 10) Certification, signed by an authorized representative of the entity, indicating that the business:
  - A) maintains a physical facility and a medical equipment inventory;
  - B) maintains records of education, training and experience and annual continuing education for personnel engaged in the delivery, maintenance, repair, cleaning, inventory control and financial management of home medical equipment and services;
  - C) maintains records on all patients to whom it provides home medical equipment and services that include any training, education and other information pertinent to the use and maintenance of equipment or the services provided. Patients' records shall include, but not be limited to, name of patient and address, type of service provided, payer

requirements and other pertinent information for the service level or specific product provided. The provider shall have adequate security measures to maintain confidential records;

D) establishes and maintains equipment management and personnel policies such as, but not limited to, security operation, tracking and maintenance of equipment, customer service complaints;

- E) complies with State and federal laws applicable to the type of services provided; and
- F) provides access to emergency services 24 hours a day, 7 days a week for life sustaining home medical equipment and services.
- b) A separate license is required for each facility and only one license will be issued per address where business is conducted.
- c) When the address or name of a facility is changed, the licensee shall be required to notify the Department, obtain a corrected license and pay the required fee set forth in Section 1253.70.
- d) Changes in person in charge of day to day operation shall be submitted to the Department, on forms provided by the Department, within 30 days after such change.
- e) An applicant may be required to appear before the Board to further evaluate the entity's qualifications for licensure.

## Section 1253.30 Personnel

The provider shall employ personnel with the education, training and experience necessary to safely and lawfully provide home medical equipment and services. The training shall be appropriate to the equipment and scope of services provided by the individual. As a condition for receiving and retaining a provider license, the licensee shall require each person employed in the home medical equipment and services business to have education, training and experience, or any combination thereof, sufficient for that person to perform the assigned functions. The licensee is responsible for ensuring that employees complete continuing education on an annual basis. Documentation of this education, training, experience and continuing education shall be maintained by the provider in the employee file.

## Section 1253.40 Laws Applicable to Home Medical Equipment and Service Providers

No registrant shall violate any of the following laws or regulations or other State and federal laws that apply to the type of home medical equipment and services provided:

- a) Illinois Food, Drug and Cosmetic Act [410 ILCS 620].
- b) Federal Food, Drug and Cosmetic Act [21 USC 301 et seq. (1976)].
- c) Occupational Safety and Health (OSHA) Standards (29 CFR 1910).
- d) Department of Transportation federal regulations (49 CFR 238).

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

**Section 1253.50 Change of Ownership**

- a) When the business changes ownership, a new application shall be filed with the Department in accordance with Section 1253.20.
- b) Change of ownership is defined as, but not limited to:
  - 1) whenever the controlling entity of the licensee changes; or
  - 2) change in the legal form under which the controlling entity is organized.

**Section 1253.60 Change of Operations**

- a) The license shall not be valid:
  - 1) When the business ceases operation;
  - 2) When the entity ceases to operate under the name on the license;
  - 3) When the insurance is nonrenewed or cancelled; or
  - 4) When the license is revoked.
- b) The licensee shall notify the Department in writing within 30 days when the business ceases to operate or ceases to operate under the name on the certificate.
- c) In the event of a change of the business name, the licensee shall apply for a corrected license in advance of the effective date of such change by notifying the Department, on forms provided by the Department, and paying the appropriate fee as set forth in Section 1253.70.
- d) All notices required by this Section shall be sent to the Department at 320 West Washington, 3rd Floor, Springfield, Illinois 62786.

**Section 1253.70 Fees**

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees. The fee for application for a license as a home medical equipment and services provider is \$300.
- b) Renewal Fees. The fee for the renewal of a license shall be calculated at the rate of \$100 per year.
- c) General Fees.

- 1) The fee for a certification of a licensee's record for any purpose is \$20.
- 2) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 3) The fee for a roster of entities licensed as home medical equipment and services providers in this State shall be the actual cost of producing the roster.
- 4) The fee for issuance of a duplicate license or a replacement license for a license that has been lost or destroyed, other than during the renewal period, is \$70.
- 5) The fee for the issuance of a license with a change of name or a change of address is \$150.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

**Section 1253.80 Renewals**

- a) The first renewal period for registration issued under the Act shall be March 2003 and every three years thereafter. The holder of a registration may renew the registration 60 days prior to the expiration date by filing an application with the Department including:
  - 1) proof of \$1,000,000 commercial general liability insurance, including but not limited to coverage for product liability and professional liability; and
  - 2) the required fee set forth in Section 1253.70.
- b) If a licensee is currently certified by a recognized national accrediting body such as JCAHO and ACHA, proof of such accreditation shall be submitted with the renewal. If a licensee does not submit the certification or is not certified by a recognized accrediting body, the Department shall inspect the facility pursuant to Section 90 of the Act.
- c) It is the responsibility of each registrant to notify the Department of any change of mailing address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

**Section 1253.90 Dishonorable, Unethical or Unprofessional Conduct**

- a) The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of dishonorable, unethical, or unprofessional conduct within the meaning of Section 75 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:
  - 1) Practicing, condoning, facilitating or collaborating with any form of discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.
  - 2) Failing to offer all facts regarding services or equipment to the client prior to administration of services (such as proper use and maintenance of equipment, warranty information, etc.). Patients and caregivers shall be informed of their rights and obligations regarding the sale, rental, and service of home medical equipment.
  - 3) Failing to protect the privacy of patient information and disclosing such information without proper authorization, except as required by law.
  - 4) Performing or allowing employees to perform professional services beyond their scope of practice and competency.
  - 5) Failing to establish and maintain client records.
  - 6) Submission of fraudulent claims for services to any person or

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED RULES

entity, including, but not limited to, health insurance companies or health service plans or third party payors.

- b) The Department hereby incorporates by reference "Code of Ethics", November 1998, approved by the National Association for Medical Equipment Services (NAMES), 625 Slaters Lane, Suite 200, Alexandria, VA 22314-1171, and by the Illinois Association of Medical Equipment Services, c/o IHCC, 222 West Ontario, Suite 420, Chicago, IL 60610, with no later amendments or editions.

## Section 1253.100 Granting Variances

- a) The Director of the Department may grant variances from this Part in individual cases when he/she finds that:

- 1) The provision from which the variance is granted is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance; and
  - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance, and the reasons therefor, at the next meeting of the Board.

## DEPARTMENT OF PROFESSIONAL REGULATIONS

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Marriage and Family Therapy Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1283
- 3) Section Numbers: Adopted Action:  
1283.20 Amendment  
1283.30 New Section  
1283.45 New Section  
1283.46 Amendment  
1283.50 Amendment  
1283.60 Amendment  
1283.95 Amendment  
1283.110 Amendment
- 4) Statutory Authority: Marriage and Family Therapy Licensing Act [225 ILCS 55]
- 5) Effective Date of Amendments: May 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: February 4, 2000, at 24 Ill. Reg. 1795
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No substantive changes were made, but there were several technical changes.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 91-362, effective January 1, 2000, created the category of associate marriage and family therapist; these amendments implement that statutory change. Various clean-up and technical changes are also included.

## DEPARTMENT OF PROFESSIONAL REGULATIONS

## NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
 Attention: Jean Courtney  
 320 West Washington, 3rd Floor  
 Springfield, Illinois 62786  
 217/785-0813  
 Fax #: 217/782-7645

The full text of the adopted amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATIONS

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1283

## MARRIAGE AND FAMILY THERAPY LICENSING ACT

Section	Application for a Temporary License Under Section 50 of the Act (Repeated)
1283.10	
1283.15	Professional Work Experience
1283.20	Clinical Experience
1283.25	Clinical Supervision
1283.30	Education
1283.40	Examination
1283.45	Application for a License as an Associate Marriage and Family Therapist
1283.46	Application for Examination/Licensure for an Individual Licensed as an Associate Marriage and Family Therapist
1283.50	Application for Examination/Licensure
1283.60	Endorsement
1283.70	Renewal
1283.80	Inactive Status
1283.90	Restoration
1283.95	Fees
1283.100	Professional Conduct
1283.110	Continuing Education
1283.120	Granting Variances

AUTHORITY: Implementing the Marriage and Family Therapy Licensing Act [225 ILCS 55] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 18 Ill. Reg. 10752, effective June 28, 1994; amended at 20 Ill. Reg. 12006, effective August 27, 1996; amended at 22 Ill. Reg. 3883, effective February 5, 1998; amended at 22 Ill. Reg. 1648, effective September 3, 1998; amended at 24 Ill. Reg. 1309, effective \_\_\_\_\_.

MAJ: jll

## Section 1283.20 Clinical Experience

An applicant for a license as a marriage and family therapist shall, following receipt of the first qualifying education degree, complete at least 1,000 hours of face-to-face client contact with individuals, couples and families for the purpose of evaluation and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology. At least 350 hours of the 1000 hours of face-to-face client contact must involve working with only one client present in therapy sessions, and at least 350 hours of the 1000 hours of



## DEPARTMENT OF PROFESSIONAL REGULATIONS

## NOTICE OF ADOPTED AMENDMENTS

face-to-face client contact must involve conjoint therapy, i.e., working with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. The applicant shall be supervised as defined in Section 1283.25 §243-21 of this Part during the whole period the applicant is accumulating clinical experience.

a) Clinical experience in the practice of marriage and family therapy may be gained by providing treatment that includes, but is not limited to:

- 1) Individual and conjoint therapy;
- 2) Counseling;
- 3) Psychotherapy;
- 4) Assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology;
- 5) Behavior modification;
- 6) Hypnotherapy;
- 7) Sex therapy;
- 8) Consultation;
- 9) Client advocacy;
- 10) Crisis intervention;
- 11) Testing and evaluation;
- 12) Group therapy;
- 13) Multi-family therapy;
- 14) Psychoeducation; and
- 15) Therapy with children and adolescents.

b) Marriage and family therapy treatment shall include, but not be limited to, providing mental health services for the evaluation and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology, including making clinical assessments, certifying diagnoses, prescribing treatment and signing off on treatment plans for persons with mental illnesses or other clinical disorders.

c) The use of specific methods, techniques or modalities within the practice of marriage and family therapy is restricted to marriage and family therapists appropriately trained in the use of such methods, techniques or modalities.

(Source: Amended at 24 Ill. Reg. 7309 effective 1/1/2000)

## Section 1283.30 Education

a) An applicant for a license as a marriage and family therapist shall hold one of the following:

- 1) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
- 2) A master's or doctoral degree from a regionally accredited educational institution (by the U.S. Office of Education) in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in subsection (b); or

## DEPARTMENT OF PROFESSIONAL REGULATIONS

## NOTICE OF ADOPTED AMENDMENTS

3) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy.

b) Prior to or on December 31, 1999, an applicant must have completed a minimum of 36 semester hours or 48 quarter hours of graduate coursework. Beginning January 1, 2000, an applicant must have completed a minimum of 48 semester hours or equivalent hours of graduate coursework. The applicant's graduate coursework, at a minimum, shall be substantially equivalent to the curriculum listed below. Courses are evaluated according to course content rather than course title. Course descriptions and syllabi are required for courses whose titles do not reflect the content described below:

- 1) Marital and Family Studies. Topics in marriage and family studies must be addressed in a minimum of 3 courses (9 semester or 12 quarter hours or equivalent). Topics that may be counted toward this area of study include family development and family interactional patterns across the life cycle of the individual as well as the family. Courses may include the study of: family life cycle; theories of family development; marriage and/or family dynamics; sociology of the family; families under stress; the contemporary family; social, cultural, and spiritual foundations of family life; the cross-cultural family; gender studies; youth/adult/aging and the family; family subsystems; interpersonal relationships (marriage, parenting, sibling).
- 2) Marital and Family Therapy. Topics in marriage and family therapy must be addressed in a minimum of 3 courses (9 semester hours or 12 quarter hours or equivalent). The following topics must be covered:

- A) overview of major clinical theories of marital and family therapy that offer conceptualizations and methods for working conjointly with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. These clinical theories shall include those in major textbooks in marriage and family therapy, such as: communications, contextual, experiential, object relations, strategic, behavioral, structural, systemic, transgenerational;
- B) assessment and evaluation of individuals (children, adolescents, and adults), couples and families;
- C) treatment and intervention methods for working with individuals (children, adolescents and adults), couples, families and groups in therapy;
- D) assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology, including making clinical assessments, certifying diagnoses, prescribing treatment and signing off on treatment plans for persons with mental illnesses or other clinical disorders;

## DEPARTMENT OF PROFESSIONAL REGULATIONS

## NOTICE OF ADOPTED AMENDMENTS

- E) assessment and treatment of substance abuse, domestic violence and sexual disorders;
- F) crisis intervention.

The coursework in this subsection (b)(2) must balance methods for working individually (one client in a therapy session), and for working jointly with at least two clients present in therapy sessions who are in significant relationships with each other outside the therapy context, and must include methods for working with groups.

- 3) Human Development. Topics in human development must be addressed in a minimum of 3 courses (9 semester hours or 12 quarter hours or equivalent). Topics that may be counted toward this area of study include: Human development; lifestyle and career development; personality theory; testing and evaluation; and human sexuality. Coursework must cover the topics of psychopathology and behavior disorders.

- 4) Professional Studies and Ethics. Topics in professional studies and ethics must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include: Professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law; unique professional and ethical situations involved with conjoint therapies.

- 5) Research. Topics in research must be addressed in a minimum of 1 course (3 semester hours or 4 quarter hours or equivalent). Topics that may be counted toward this area of study include: Research design and methods; statistics; research in a mental health field.

- 6) Clinical Practicum/Internship. (300 hours)--15 hours per week, approximately 8-10 hours in face-to-face contact with individuals, couples and families for the purpose of assessment, diagnosis and treatment.

- c) While the required number of courses in marriage and family studies, marriage and family therapy, and human development can be met in a variety of ways, it is mandatory that the following topics be covered:

- 1) overview of major clinical theories of marital and family therapy that offer conceptualizations and methods for working conjointly with two or more clients present in therapy sessions who are in significant relationships with each other outside the therapy context. These clinical theories shall include those in major textbooks in marriage and family therapy, such as: communications, contextual, behavioral, experiential, object relations, strategic, structural, systemic, and transgenerational;
- 2) assessment and evaluation of individuals (children, adolescents and adults), couples and families;
- 3) treatment and intervention methods for working with individuals

## DEPARTMENT OF PROFESSIONAL REGULATIONS

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- (children, adolescents, and adults), couples, families and groups in therapy;
- 4) assessment and treatment of mental, emotional, behavioral and interpersonal disorders and psychopathology, including making clinical assessments, certifying diagnoses, prescribing treatment and signing off on treatment plans for persons with mental illnesses or other clinical disorders;

- 5) assessment and treatment of substance abuse, domestic violence and sexual disorders;

- 6) crisis intervention; and

- 7) psychopathology and behavior disorders.

- d) In evaluating coursework from another jurisdiction, the Board may require documentation such as, but not limited to, an evaluation by a foreign equivalency documentation service indicating that the applicant's graduate program is equivalent to a graduate program in this country.

- e) An individual who has taught a graduate level course in a regionally accredited educational institution in any of the areas listed in subsection (c) above shall receive credit for the course. One course taught is equivalent to one course taken. Repetitive teaching of the same course may only be counted as one course. Syllabi and reading lists shall be submitted in order to obtain credit.

- f) Courses taken at a post-degree institution may count as equivalent for an education requirement of subsection (c) if the institution's training program is accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COMAFTE) or meets the following requirements:

- 1) The institution's program is established to achieve coherent mission and training objectives and the program has as its primary objective the training of marriage and family therapists.
- 2) The specific course submitted as equivalent to those defined in subsection (b) is taught by faculty who hold graduate degrees and are trained and credentialed in the field in which they teach.
- 3) Courses must be offered by an established, identifiable facility or agency.

- 4) Courses must be ongoing and additive (offered at the same place over a specific period of time and available on an ongoing basis) or offered off site by an acceptable post degree institution with an established, identifiable home-base facility or agency.

- 5) Courses must include outlines, clear description of content, appropriate bibliography, and other indications or meet generally acceptable criteria for academic offerings.

- 6) Correspondence courses are not acceptable.

- g) Credit for courses taken pursuant to subsection (f) above will be given on a semester-hour equivalency basis which is 15 classroom hours per semester credit. Evaluation of course work is on a case-by-case basis for each applicant. To receive credit, an applicant must submit a syllabus for each course, proof of acceptable completion of the

## DEPARTMENT OF PROFESSIONAL REGULATIONS

## NOTICE OF ADOPTED AMENDMENTS

course, and all documentation necessary to demonstrate that the post-degree institution and the specific course meet all the requirements of subsection (f).

h) A thesis or dissertation completed as a requirement of the first qualifying degree will not be counted as equivalent for an education requirement of subsection (b).

i) Applicants who hold non-clinical qualifying degrees, or whose practicum/internship was in areas other than marriage and family therapy, may document the practicum requirement with their first 300 post-graduate client contact hours supervised by an American Association for Marriage and Family Therapy Approved Supervisor, supervisor-in-training or a supervisor who meets the requirements set forth in Section 1283.21 of this Part.

j) Approved Comprehensive Programs of Study in Marriage and Family Therapy. The Department, upon recommendation of the Board, shall approve Comprehensive Programs of Study in Marriage and Family Therapy that meet the following requirements:

- 1) The program is offered by an educational department or unit that grants master's or doctoral degrees in marriage and family therapy or in a related field (i.e., behavioral science or mental health) and the educational institution is regionally accredited.
- 2) The program has a faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their area(s) of teaching from professional colleges and institutions.
- 3) The education unit or department has an identifiable body of students who are matriculated in that program for a degree.
- 4) A marriage and family therapist is responsible for the program.
- 5) The program shall be at least 2 academic years in length at a minimum, and require a minimum of 48 semester hours or equivalent hours of graduate coursework.
- 6) The program shall contain the curriculum listed in subsections (b) and (c) of this Section.

k) Reevaluation of an Approved Comprehensive Program of Study in Marriage and Family Therapy.

1) The Department may reevaluate any program at any time if it has reason to believe that the Program has failed to continue to satisfy the minimum requirements of this Section or that its decision was based upon false, deceptive or incomplete information.

2) The program whose approval is being reevaluated by the Board shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.

3) Every year the faculty person responsible for the program will send the Department an annual report specifying the faculty persons responsible for monitoring student compliance with the

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program requirements and any changes from the original application in how the program is accomplishing the requirements in subsection (j) including changes in curriculum and/or faculty.

1) The Department, upon the recommendation of the Board, has determined that marriage and family therapy programs accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy as of July 1, 1998, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 24 Ill. Reg. 7300 effective 04/1/2000)

### Section 1283.45 Application for a license as an Associate Marriage and Family Therapist

a) An applicant for a license as an associate marriage and family therapist shall file an application, on forms supplied by the Department, that includes the following:

1) Verification, on forms provided by the Department, that the applicant has completed the education requirements defined in Section 1283.30 and holds one of the following:

- A) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
- B) A master's or doctoral degree from a regionally accredited educational institution in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b) and (c); or
- C) A master's or doctoral degree from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy.

2) A complete work history since graduation from a master's program.

3) The required license fee set forth in Section 1283.95(a)(2).

4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:

- a) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
- b) A description of the examination in that jurisdiction; and
- c) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) A license as an associate marriage and family therapist shall be valid for 5 years. The license may not be renewed.

c) When the accuracy of any submitted documentation of the relevance of

## DEPARTMENT OF PROFESSIONAL REGULATIONS

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sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clean up any discrepancies or conflicts in information.

(Source: ~~Added~~ <sup>Added</sup> 24 Ill. Reg. 73.09, effective 7/20/00)

#### Section 1283.46 Application for Examination/Licensure for an Individual Licensed as an Associate Marriage and Family Therapist

a) An individual holding a license as an associate marriage and family therapist who is applying for examination/licensure as a marriage and family therapist shall file an application, on forms supplied by the Department, at least 90 days prior to an examination date. The application shall include:

- 1) Verification, on forms provided by the Department, signed by an employer or supervisor that following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours of work experience as defined in Section 1283.15. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work;
- 2) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25;
- 3) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20;
- 4) A complete work history since issuance of the license as an associate marriage and family therapist;
- 5) The fee set forth in Section 1283.95(a)(1);
- 6) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
  - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
  - B) A description of the examination in that jurisdiction; and
  - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) An applicant who has taken and passed the examination in another jurisdiction shall have the examination submitted to the Department directly from the testing service.

c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the

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Department or the Board because of lack of information, discrepancies or conflicts in information given or need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain the relevance or sufficiency, clarify information or clean up any discrepancies or conflicts in information.

(Source: ~~Added~~ <sup>Added</sup> 24 Ill. Reg. 73.09, effective 7/20/00)

#### Section 1283.50 Application for Examination/Licensure

a) An applicant for examination shall file an application, on forms supplied by the Department, at least 90 days prior to an examination date. The application shall include:

- 1) Verification, on forms provided by the Department, that the applicant has completed the education requirements defined in Section 1283.30 and holds one of the following:
  - A) A master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution;
  - B) A master's or doctoral degree from a regionally accredited educational institution in a related field (i.e., behavioral science or mental health) with an equivalent course of study in marriage and family therapy as set forth in Section 1283.30(b) and (c); or
  - C) A master's or doctoral degree from a program accredited by the commission on accreditations for marriage and family therapy education of the American Association for Marriage and Family Therapy.

2) Verification, on forms provided by the Department, signed by an employer or supervisor, that, following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours of work experience as defined in Section 1283.15 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work.

3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25 of this Part.

4) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20.

5) A complete work history since graduation from a master's program.

6) The required fee set forth in Section 1283.95(a)(1) of this Part.

7) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
 

- A) The time during which the applicant was licensed in that

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- jurisdiction, including the date of the original issuance of the license;
- B) A description of the examination in that jurisdiction; and
- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) An applicant for licensure who has taken and passed the examination set forth in Section 1283.40 in another jurisdiction shall file an application in accordance with subsection (a) above and have his/her examination scores submitted to the Department directly from the testing entity.
- c) In lieu of subsections (a)(1), (2), (3) and (4) above, the Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.
- d) Where the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clean up any discrepancies or conflicts in information.

(Source: Amended at 24 Ill. Reg. 7309 effective MAY 1 2000)

## Section 1283.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States or of a foreign country and who wishes to be licensed in Illinois as a marriage and family therapist shall file an application with the Department, on forms provided by the Department, which includes:
- 1) Certification of meeting education requirements as set forth in Section 1283.30 of this Part;
  - 2) Verification, on forms provided by the Department, signed by an employer or supervisor, that, following the receipt of the first qualifying degree, the applicant obtained at least 3000 hours of work experience as defined in Section 1283.15 of this Part. If the applicant is self employed, the applicant shall submit 3 affidavits from peers, clients or colleagues familiar with the applicant's work;
  - 3) Verification of at least 200 hours of clinical supervision as defined in Section 1283.25 of this Part;
  - 4) Verification of at least 1000 hours of clinical experience pursuant to Section 1283.20;
  - 5) Certification of successful completion of the examination set forth in Section 1283.40;

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- 6) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and is currently licensed/registered, stating:
- A) The time during which the applicant was licensed/registered;
  - B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
  - C) Examination(s) taken and examination score(s) received;
- 7) A complete work history since graduation from a master's program; and
- 8) The required fee as set forth in Section 1283.95(a)(1) ~~of this Part.~~
- b) In lieu of subsections (a)(1), (2), (3) and (4) above, the Department shall accept certification of clinical membership from the American Association for Marriage and Family Therapy.
- c) The Department shall either issue a license by endorsement or notify the applicant in writing of the reasons for denying the application.
- d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: Amended at 24 Ill. Reg. 7309 effective MAY 1 2000)

## Section 1283.90 Restoration

- a) Any marriage and family therapist whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 1283.95 ~~of this Part~~ and providing proof of meeting continuing education requirements during the 2 years prior to restoration.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, for review by the Board, together with the fee required by Section 55 of the Act and proof of meeting continuing education requirements during the 2 years prior to restoration. The applicant shall also submit either:
- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
  - 2) An affidavit attesting to military service as provided in Section 45(c) of the Act; or
  - 3) Proof of passage of the NMTRE examination during the period the registration was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or



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sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

- d) Upon the recommendation of the Board and approval by the Director, an applicant shall have the license restored or be notified in writing of the reason for denying the application.

(Source: Amended at 24 Ill. Reg. 73 08, effective MAY 1 1990)

## Section 1283.95 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
  - 1) The fee for original application for a license as a marriage and family therapist is \$100. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department of the designated testing service, shall result in the forfeiture of the examination fee.
  - 2) The fee for a license as an associate marriage and family therapist is \$100.
  - 3) The application fee for a license as a marriage and family therapist certified or licensed under the laws of another jurisdiction is \$200.
  - 4) The fee for application as a continuing education sponsor is \$500. State agencies, State colleges and State universities in Illinois are exempt from paying this fee.
- b) Renewal Fees.
  - 1) The fee for the renewal of a marriage and family therapist license shall be calculated at the rate of \$60 per year.
  - 2) The fee for renewal as a continuing education sponsor is \$125 per year.
- c) General Fees.
  - 1) The fee for the restoration of a license other than from inactive status that has been expired for 5 years or less is \$20 plus payment of all lapsed renewal fees.
  - 2) The fee for the restoration of a license that has been expired for more than 5 years is \$300.

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- 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 4) The fee for a certification of a licensee's record for any purpose is \$20.
- 5) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20, plus any fee charged by the testing service.
- 6) The fee for a wall certificate showing licensure shall be the actual cost of producing the such certificate.
- 7) The fee for a roster of persons licensed as marriage and family therapists in this State shall be the actual cost of producing the such-a roster.

(Source: Amended MAY 1 1990 at 24 Ill. Reg. 73 08, effective MAY 1 1990)

## Section 1283.110 Continuing Education

- a) Continuing Education Hours Requirements
  - 1) Beginning with the 1999 license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a marriage and family therapist shall complete within the prerenewal period 30 hours of continuing education (CE) relevant to the practice of marriage and family therapy.
  - 2) A prerenewal period is the 24 months preceding February 28 of each odd-numbered year.
  - 3) One CE hour shall equal one clock hour.
  - 4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
  - 5) Marriage and family therapists licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- b) Approved Continuing Education
  - 1) Continuing education hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsection (b)(2), (3) and (4) below.
  - 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of marriage and family therapy related courses that are a part of the curriculum of a college, university or graduate school of



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marriage and family therapy. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 hours for each quarter hour of school credit awarded.

3) CE credit may be earned for verified teaching of a course or program in a college or graduate school approved in a college or university or graduate school of marriage and family therapy approved in accordance with Section 1283.30 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour of teaching or presenting the course or program material taught and only for the first presentation of the course or program (i.e., credit shall not be allowed for repetitious presentations).

4) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with marriage and family therapy may be claimed as 5 hours of credit. A presentation must be before a professional audience of marriage and family therapists. Five credit hours may be claimed for only the first time the information is published or presented.

c) Approved CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean the American Association for Marriage and Family Therapy and any other person, firm, association, corporation or group that has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses and programs.

2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with the fee set forth in Section 1283.95(a)(3) of this Part. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee). The application shall include:

- A) Certification:
- i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
  - ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
  - iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe

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that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance:

- iv) ~~That each sponsor shall submit to the Department written notice of program offerings 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered.~~
- B) A copy of a sample program with faculty, course materials and syllabi.
  - 3) All programs shall:
    - A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of marriage and family therapy;
    - B) Foster the enhancement of general or specialized work in the practice of marriage and family therapy;
    - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
    - D) Specify the course objectives, course content and teaching methods to be used; and
    - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for renewal of a license.
  - 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
  - 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
  - 6) All programs given by approved sponsors shall be open to all marriage and family therapists and not be limited to members of a single organization or group.
  - 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
  - 8) To maintain approval as a sponsor, each sponsor shall submit to the Department by February of each odd-numbered year a renewal

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application, the fee set forth in Section 1283.95(b)(2) of this Part and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.

- 9) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

- A) The name, address and license number of the sponsor;
- B) The name address of the participant;
- C) A brief statement of the subject matter;
- D) The number of hours attended in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.

- 10) The sponsor shall maintain attendance records for not less than 5 years.

- 11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

- 12) Upon the failure of a sponsor to comply with any one of the requirements of this Section, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of the sponsor's CE programs until such time as the Department receives assurances of compliance with requirements of this Section.

- 13) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with the requirements of this Section.

- d) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.

- 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

- 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act (5 ILCS 100/10-65).

- e) Continuing Education Earned in Other Jurisdictions.

- 1) If a licensee has earned CE hours offered in another state or

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territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or 90 days prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using criteria set forth in subsection (c)(3) of this Section.

- 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 55(e) and (f) of the Act.

- g) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements, shall file with the Department a renewal application along with the required fee set forth in Section 55(d) of the Act, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
  - B) An incapacitating illness documented by a statement from a currently licensed physician;
  - C) A physical inability to travel to the site of approved programs documented by a currently licensed physician; and
  - D) Any other similar extenuating circumstance.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in a good standing until the final decision on the application

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is made by the Department.

(Source: Amended at 24 Ill. Reg. 7309, effective 7/1/04)

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- 1) Heading of the Part: Professional Boxing and Wrestling Act
- 2) Code Citation: 68 Ill. Adm. Code 1370
- 3) Section Numbers: Adopted Action:  
1370.305 New Section
- 4) Statutory Authority: Professional Boxing and Wrestling Act [225 ILCS 103]
- 5) Effective Date of Amendments: May 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: January 14, 2000, at 24 Ill. Reg. 480
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? Yes, at 24 Ill. Reg. 875.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: PA 91-408 made numerous revisions in the Professional Boxing and Wrestling Act, clearly delineating who must be licensed or registered by the Department, including contestants, seconds, timekeepers, managers, matchmakers, judges, and referees. It also replaced the Act's statutory fees with fees set by administrative rule. This rulemaking establishes those fees.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:  
Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor

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Springfield, Illinois 62786  
217/785-0813  
Fax: 217/782-7645

The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1370

## PROFESSIONAL BOXING AND WRESTLING ACT

## SUBPART A: STATUTORY AUTHORITY

Section  
1370.10 Statutory Authority

## SUBPART B: BOXING

Section  
1370.20 Application for Licenses  
1370.30 Structure of Ring  
1370.40 Classes and Weights of Boxers  
1370.50 Fight Preparations  
1370.60 Ring Equipment  
1370.70 Conduct of a Contest  
1370.80 Scoring  
1370.90 Knockdowns  
1370.100 Fouls  
1370.110 Use of substances that alter performance; Stopping bleeding  
1370.120 Conduct of Ring Officials

## SUBPART C: WRESTLING

Section  
1370.200 Applications for Licenses  
1370.210 Structure of Ring  
1370.220 Preparations for an Exhibition  
1370.230 Conduct of an Exhibition  
1370.240 Length of an Exhibition  
1370.250 Scoring  
1370.260 Holds  
1370.270 Wrestler out of ring  
1370.280 Disqualification  
1370.290 Australian Tag Team Wrestling  
1370.300 Medical Supervision

## SUBPART D: GENERAL PROVISIONS

Section  
1370.305 Fees  
1370.310 Definitions  
1370.320 Applications for Permits

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- 1370.315 Ultimate Fighting Exhibition  
 1370.325 Requirements for Closed Circuit Telecasts  
 1370.330 Compensation  
 1370.340 Payment of Taxes  
 1370.350 Public Safety  
 1370.360 Renewals  
 1370.370 Granting Variances

**AUTHORITY:** Implementing Section 5 of the Professional Boxing and Wrestling Act [225 ILCS 105/5] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Emergency rules adopted at 5 Ill. Reg. 11100, effective October 1, 1981, for a maximum of 150 days; adopted at 6 Ill. Reg. 8976, effective July 15, 1982; emergency amendment at 11 Ill. Reg. 21008, effective December 9, 1987, for a maximum of 150 days; transferred from Chapter I, 68 Ill. Adm. Code 370 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1370 (Department of Professional Regulation) pursuant to P.A. 85-225 effective January 1, 1988, at 12 Ill. Reg. 2969; amended at 12 Ill. Reg. 11452, effective June 27, 1988; emergency amendment at 22 Ill. Reg. 14346, effective July 16, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19860, effective October 30, 1998; emergency amendment at 24 Ill. Reg. 875, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 8989, effective MAY 1 2000.

## SUBPART D: GENERAL PROVISIONS

**Section 1370.305 Fees**

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees
- 1) Boxing
    - A) The application fee for a license as a boxing promoter is \$500.
    - B) The application fee for a license as a boxing referee is \$150.
    - C) The application fee for a license as a boxing matchmaker is \$150.
    - D) The application fee for a license as a boxing manager is \$100.
    - E) The application fee for a license as a boxing contestant is \$25.
    - F) The application fee for a license as a boxing timekeeper is \$75.
    - G) The application fee for a license as a boxing judge is \$50.
    - H) The application fee for a license as a boxing second is \$25.
  - 2) Wrestling
    - A) The application fee for a license as a wrestling promoter is

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- \$500.  
 B) The application fee for a license as a wrestling referee is \$150.  
 C) The application fee for a license as a wrestling timekeeper is \$75.

- b) Renewal Fees
- 1) Boxing
    - A) The renewal fee for a boxing promoter license shall be calculated at the rate of \$250 per year.
    - B) The renewal fee for a boxing referee license shall be calculated at the rate of \$75 per year.
    - C) The renewal fee for a boxing matchmaker license shall be calculated at the rate of \$75 per year.
    - D) The renewal fee for a boxing manager license shall be calculated at the rate of \$50 per year.
    - E) The renewal fee for a boxing contestant license shall be calculated at the rate of \$12.50 per year.
    - F) The renewal fee for a boxing timekeeper license shall be calculated at the rate of \$37.50 per year.
    - G) The renewal fee for a boxing judge license shall be calculated at the rate of \$25 per year.
    - H) The renewal fee for a boxing second license shall be calculated at the rate of \$12.50 per year.
  - 2) Wrestling
    - A) The renewal fee for a wrestling promoter license shall be calculated at the rate of \$250 per year.
    - B) The renewal fee for a wrestling referee license shall be calculated at the rate of \$75 per year.
    - C) The renewal fee for a wrestling timekeeper license shall be calculated at the rate of \$37.50 per year.
- c) General Fees
- 1) The fee for a permit for a boxing match or wrestling event is \$50.
  - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement certificate of registration for a certificate of registration that has been lost or destroyed, or for the issuance of a certificate of registration with a change of name or address, other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate certificate of registration is issued.
  - 3) The fee for a certification of a licensee's record for any purpose is \$20.
  - 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
  - 5) The fee for a roster of persons licensed in this State shall be the actual cost of producing the roster.

(Source: Amended at 24 Ill. Reg. 7320 effective

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NOTICE OF ADOPTED AMENDMENTS1) Heading of the Part: Professional Counselor and Clinical Professional  
Counselor Licensing Act2) Code Citation: 68 Ill. Adm. Code 1375

3) Section Numbers:      Adopted Action:  
1375.10                    Amendment  
1375.20                    Amendment  
1375.30                    Amendment  
1375.60                    Amendment  
1375.100                   Amendment  
1375.110                   Amendment  
1375.120                   Amendment  
1375.150                   Amendment  
1375.160                   Amendment  
1375.220                   Amendment

4) Statutory Authority: Professional Counselor and Clinical Professional  
Counselor Licensing Act [225 ILCS 107]5) Effective Date of Amendments: May 1, 20006) Does this rulemaking contain an automatic repeal date? No7) Do these Amendments contain incorporations by reference? No8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Date Notice of Proposal Published in Illinois Register: November 5, 1999,  
at 23 Ill. Reg. 1338810) Has JCAR issued a Statement of Objections to these amendments? No11) Differences between proposal and final version: The education of individuals with Type 73 certificates was restored as acceptable for meeting the educational requirements, and the American Psychological Association was added as a continuing education provider.12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these amendments replace emergency amendments currently in effect?  
Yes14) Are there any amendments pending on this Part? No



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15) **Summary and Purpose of Amendments:** Obsolete provisions concerning temporary licenses for counselors and clinical counselors are repealed, and clarifications to the experience requirements are included in Section 1375.40 for counselors and Section 1375.130 for clinical counselors. Section 1375.220 is amended to include social work continuing education sponsors as approved CE sponsors under this Part. Various technical changes have also been made.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62796  
217/785-0813  
Fax #: 217/782-7645

The full text of the adopted amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1375  
PROFESSIONAL COUNSELOR AND CLINICAL PROFESSIONAL COUNSELOR  
LICENSING ACT

## SUBPART A: LICENSED PROFESSIONAL COUNSELOR

Section	Temporary License as a Professional Counselor (Repealed)
1375.10	How to Obtain a Permanent License as a Professional Counselor After Receiving a Temporary License (Repealed)
1375.20	Application for Examination/Permanent License as a Professional Counselor
1375.30	Professional Experience as a Professional Counselor after December 31, 1998
1375.40	Approved Professional Counseling Programs
1375.50	Examination - Professional Counselor
1375.60	Endorsement - Professional Counselor
1375.70	Restoration - Professional Counselor
1375.80	

## SUBPART B: LICENSED CLINICAL PROFESSIONAL COUNSELOR

Section	Temporary License as a Clinical Professional Counselor (Repealed)
1375.100	How to Obtain a Permanent License as a Clinical Professional Counselor After Receiving a Temporary License (Repealed)
1375.110	Application for Examination/Permanent License as a Clinical Professional Counselor
1375.120	Professional Experience for License as a Clinical Professional Counselor Beginning January 1, 1999
1375.130	Clinical Professional Counselor Licenses for Clinical Psychologists and Clinical Social Workers
1375.135	Approved Clinical Professional Counseling Programs
1375.140	Examination - Clinical Professional Counselor
1375.150	Endorsement - Clinical Professional Counselor
1375.160	Restoration - Clinical Professional Counselor
1375.170	

## SUBPART C: GENERAL

Section	
1375.200	Renewals
1375.210	Inactive Status
1375.220	Continuing Education
1375.225	Unprofessional Conduct
1375.230	Granting Variances

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## APPENDIX A

## Course Descriptions

AUTHORITY: Implementing the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 18 Ill. Reg. 18018, effective December 12, 1994, amended at 22 Ill. Reg. 8460, effective May 4, 1996; amended at 24 Ill. Reg. 7335 effective 04/01/2000

## SUBPART A: LICENSED PROFESSIONAL COUNSELOR

## Section 1375.10 Temporary License as a Professional Counselor (Repealed)

a) Any person seeking a temporary license without examination under Section 65 of the Professional Counselor and Clinical Professional Counselor Licensing Act (the Act) shall file an application with the Department of Professional Regulation (the Department) on forms provided by the Department. The application shall include the following:

- i) Education/Experience
  - A) Certification of a minimum of a master's degree in counseling, rehabilitation, counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located; or certification of education and an official transcript from a similar master's program approved by the Department in accordance with Section 1375.50 of this Part; or
  - B) Certification of a baccalaureate degree from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located and documentation of the equivalent of 3 years of full-time satisfactory supervised experience as a professional counselor subsequent to the degree.
- ii) An applicant shall document a total of 5040 clock hours of experience. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.
- iii) The supervisor shall document the experience as satisfactory or better.
- iiii) Supervised work experience for purposes of this Section shall entail services to individuals, couples, groups, families and organizations in any one or more of the fields of professional counseling defined in Section 18 of the Act.
- iv) Qualified supervisors are those individuals who at

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the time of supervisory work, master's level or doctoral level counselors (such as, but not limited to, licensed or registered marriage and family therapists, registered art therapists, pastoral counselors, school counselors, school social workers, school psychologists, certified rehabilitation counselors, certified social workers or licensed clinical social workers, licensed clinical psychologists or licensed registered psychologists, clinical psychiatrists defined in Section 11 of the Mental Health and Developmental Disabilities Code or licensed clinical professional counselors.

v) An applicant may substitute one time-only, 15 semester hours or equivalent quarter hours of graduate courses related to counseling for one year of satisfactory supervised training.

2) A complete work history since receipt of the first qualifying degree, required for licensure (baccalaureate, master's or doctoral degree).

3) The required fee specified in Section 60(a) of the Act.

4) Certification of licensure on forms provided by the Department from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction.

- B) A description of the examination in that jurisdiction and whether the fee on the applicant contains any record of disciplinary actions taken or pending.
- b) All temporary licenses will expire on September 5, 1998. Any holder of a temporary license who has not passed the examination and obtained a permanent professional counselor license by September 5, 1998 shall be required to submit a new application to the Department pursuant to Section 1375.39 and meet the requirements in effect at the time of reapplication.
- c) The Department upon recommendation of the Professional Counselor Licensing and Disciplinary Board (the Board) has determined that the educational and experience requirements of the following certifications meet the standards for an applicant to sit for the examination:
  - i) Illinois Alcohol and Other Drug Abuse Professional Certification Association, Inc., at the master's level (Certified Master AODA Counselor)
  - 2) Clinical member of the American Association of Marriage and Family Therapy (AAMFT)
  - 3) Type 73 certificate issued by the Illinois State Board of

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Education as a School Psychologist, School Counselor, and School Social Worker

4) American Association of Pastoral Counselors Fellow or Diplomat  
An applicant who holds certification in any of the above groups needs to submit a copy of a certification in lieu of the documents required in sub-sections (a)(1)(A) and (B) above.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

e) Provide such information as may be necessary; and/or  
2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Repealed at 24 Ill. Reg. 7335 effective MAY 1, 2000)

### Section 1375.20 How to Obtain a Permanent License as a Professional Counselor After Receiving a Temporary License (Repealed)

a) Any person holding a temporary license as a Professional Counselor shall pass an examination specified in Section 1375.69 to qualify for a permanent license. The examination shall be passed by midnight September 5, 1998 when all temporary licenses expire, regardless of when they were issued.

b) Any person who obtained a temporary license as a Professional Counselor with a baccalaureate and 3 years of experience under Section 1375.10(a)(1)(b) must document the equivalent of an additional 2 years of full-time supervised work obtained after receipt of the temporary license to become eligible to take the examination for a permanent license.

1) One year of experience shall be a maximum of 1680 clock hours; two years equals 3360 clock hours. No more than 1680 clock hours may be counted toward one year of experience. Part-time experience shall be counted toward the experience requirement.

2) Supervised work experience for purposes of this Section shall entail services to individuals, couples, groups, families, and organizations in any one or more of the fields of professional counseling defined in Section 10 of the Act:

3) Qualified supervisors are those individuals who, at the time of supervision, were master's level or doctoral level counselors (such as but not limited to licensed or registered marriage and family therapists, registered art therapists, pastoral counselors, school counselors, school social workers, school psychologists, certified rehabilitation counselors), certified social workers or licensed clinical social workers, licensed

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clinical psychologists or licensed registered psychologists, psychologists defined in Section 1-21 of the Mental Health and Developmental Disabilities Code or licensed clinical professional counselors.

4) The experience shall have been evaluated by the supervisor as satisfactory or better.

5) An applicant may substitute one time only 15 semester hours or equivalent quarter hours of graduate courses related to counseling for one year of satisfactory supervised training.

e) 90 sit for the examination; all applicants shall submit an application form provided by the Department along with the examination fee to the designated testing service.

d) If an applicant passed an examination pursuant to Section 1375.69(b) prior to September 1998, the applicant shall have the examination scores submitted to the Department directly from the testing service.

e) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

2) Provide such information as may be necessary; and/or  
2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

f) Upon notification to the Department by the testing service that the applicant has passed the examination and the submission by the applicant of the required fee set forth in Section 60 of the Act, the permanent professional counselor license may be issued.

(Source: Repealed at 24 Ill. Reg. 7335 effective MAY 1, 2000)

### Section 1375.30 Application for Examination/Permanent Licensure as a Professional Counselor

a) Each applicant seeking original licensure under Section 35 of the Act shall file an application with the Department, on forms provided by the Department, at least 90 days prior to an examination date. The application shall include:

1) For individuals who graduated or who were enrolled in a program prior to January 1, 1999 (individuals who have until January 1, 2003 to complete the educational requirements set forth in Section 1375.50(a)); otherwise, the applicant will be required to meet the educational requirements set forth in Section 1375.50(b):

A) Certification of education from a master's or doctoral degree program in counseling, psychology or rehabilitation counseling from a college, university or school recognized

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by the educational governing authority in the jurisdiction in which it is located, or certification of graduation and a transcript from a similar master's or doctoral degree program approved by the Department in accordance with Section 1375.50(a) of this Part; or

- B) Certification of a baccalaureate degree from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located and 5 years of full time satisfactory supervised experience as a professional counselor subsequent to the degree in accordance with Section 1375.40 of this Part. However, experience earned prior to January 1, 1999 ~~the experience~~ shall meet the following requirements:

- i) An applicant shall document a total of 8400 clock hours of experience. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.
- ii) The supervisor shall document the experience as satisfactory or better.
- iii) Supervised work experience, for purposes of this Section, shall entail services to individuals, couples, groups, families and organizations in any one or more of the fields of professional counseling defined in Section 10 of the Act.
- iv) Qualified supervisors are those individuals who, at the time of supervision, were master's level or doctoral level counselors (such as, but not limited to, licensed or registered marriage and family therapists, registered art therapists, pastoral counselors, school counselors, school social workers, school psychologists, certified rehabilitation counselors), certified social workers or licensed clinical social workers, licensed clinical psychologists or licensed/registered psychologists, psychiatrists defined in Section 1-121 of the Mental Health and Developmental Disabilities Code or licensed clinical professional counselors.
- v) An applicant may substitute, one time only, 15 semester hours or equivalent quarter hours of graduate courses related to counseling for one year of satisfactory supervised training.
- vi) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.

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- 2) Beginning January 1, 1999:

- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.50(a) of this Part; or
- B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with Section 1375.50 of this Part and documentation of completion of 5 years of supervised professional experience subsequent to the degree in accordance with Section 1375.40 of this Part.
- 3) A complete work history since receipt of a qualifying degree for licensure (baccalaureate, master's or doctorate degree).
- 4) The required fee set forth in Section 60 of the Act.
- 5) Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
  - A) the time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
  - B) A description of the examination in that jurisdiction; and
  - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Individuals applying for licensure as a professional counselor may submit one of the following certifications (based on examination), in lieu of the documents required in subsection (a)(1) and (2):
  - 1) ~~Certified-Clinical-Mental-Health-Counselor-(CCMHCT)~~
  - 12) ~~Commission on Rehabilitation Counselor Certification (CRC)~~
  - 23) ~~Nationally Certified Career Counselors (NCCC) (NCCCT)~~
  - 44) ~~Nationally-Certified-School-Counselors-(NCSCL)~~
  - 57) ~~Nationally-Certified-Counselor-(NCC)~~
  - 67) ~~Nationally-Certified-Gerontological-Counselor-(NGSC)~~

An applicant submitting one of the certifications listed above will not be required to take and pass an additional examination administered by the Department. The Department, upon recommendation of the Board, has determined that the education, experience and examination requirements are equivalent to the requirements for licensure as a professional counselor.
- c) The Department, upon recommendation of the Board, has determined that the educational and---experience requirements of the following certifications meet the standards for an applicant to sit for the examination:
  - 1) Illinois Alcohol and Other Drug Abuse Professional Certification Association, Inc. at the master's level (Certified Master AODA

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- 2) Counselor (IODAPCA) level  
Family Therapy (AAMFT)
- 3) Type 73 certificate issued by the Illinois State Board of Education as a School Psychologist, School Counselor or School Social Worker
- 4) Fellow or Diplomat of the American Association of Pastoral Counselors (AAPC)

An applicant who holds certification in any of the above groups needs to submit a copy of a certification in lieu of the documents required in subsections (a)(1) and (2) above. After December 31, 1998 all certifications accepted by the Department shall be current.

d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

e) If an applicant has taken and passed the examination in accordance with Section 1375.50, the applicant shall file an application in accordance with subsection (a) above and shall have the examination scores submitted to the Department directly from the testing entity or from the state of original licensure.

(Source: Amended at 24 Ill. Reg. 7335, effective May 1, 2000)

## Section 1375.60 Examination - Professional Counselor

- a) The examination administered by the Department for licensure as a professional counselor shall be the National Counselor Examination (NCE) of the National Board for Certified Counselors (NBCC).
- b) The passing score on the examination shall be the passing score established by the testing entity.
- c) The Department also shall accept passage of the Certified Rehabilitation Counselor Examination of the Commission on Certified Clinical Mental Health Counselor Examination (CCMHC) and Assessment-Service-Incorporation (ASSTI)-licensed Professional Counselor-Examination. The passing scores on the examinations shall be the passing scores established by the testing entity.
- d) The Department shall accept the National Counseling Examination (NCE) taken and passed, according to Department standards, in Illinois or in another jurisdiction.

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(Source: Amended at 24 Ill. Reg. 7335, effective May 1, 2000)

## SUBPART B: LICENSED CLINICAL PROFESSIONAL COUNSELOR

## Section 1375.100 Temporary License as a Clinical Professional Counselor (Repealed)

a) Any person seeking a temporary clinical professional counselor license without examination under Section 55 of the Professional Counselor and Clinical Professional Counselor Licensing Act shall file an application with the Department on forms provided by the Department. The application shall include the following:

- 1) Certification of a minimum of a master's degree in the field of counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located; or certification of education and an official transcript of a similar master's or doctorate program approved by the Department in accordance with Section 1375.140 of this Part;
- 2) Documentation of the equivalent of one unit of acceptable experience subsequent to the degree:

A) One unit of acceptable experience is either:

- 1) One year of full-time clinical professional counseling experience under the direction of a qualified supervisor; A qualified supervisor is any person who is a master's level or doctoral level counselor (such as, but not limited to, registered art therapist, licensed or registered marriage and family therapist, school counselor, school social worker, school psychologist, certified rehabilitation counselor at the master's level, pastoral counselor), a licensed clinical professional counselor, certified social worker, or licensed clinical social worker; or licensed/registered clinical psychologist; or psychiatrist as defined in Section 1.01 of the Mental Health and Developmental Disabilities Code;
- 2) Two years of clinical professional counseling experience independent of the direction of a qualified supervisor;
- 3) A qualified supervisor may be provided at the applicant's place of work or may be hired by the applicant to provide supervision.

B) One year of full-time experience shall be a maximum of 1600 clock hours obtained in not less than 40 weeks. No more than 1600 clock hours may be counted toward one year of experience. Part-time experience shall be counted toward the experience requirement.



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- 6) The unit requirements for this Section may be satisfied by supervised experience independent experience or a combination of supervised and independent experience.
- B) Experience shall be documented as follows:
- 1) Certification of experience signed by the applicant's supervisor or
  - 2) Three affidavits from the applicant's peers or colleagues who are familiar with the applicant's work.
- 3) A complete work history since completion of a master's degree program.
- 4) The required fee specified in Section 60(a) of the Act and
- 5) Certification of licensure on forms provided by the Department from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction including the date of the original issuance in that jurisdiction;
  - B) A description of the examination in that jurisdiction; and
  - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) All temporary clinical professional counselor licenses issued by September 5, 1998, Any holder of a temporary clinical professional counselor license who has not passed the examination and obtained a permanent clinical professional counselor license by September 5, 1998 shall be required to submit a new application to the Department pursuant to Section 1375.150 and meet the requirements in effect at the time of registration.
- c) The Department upon recommendation of the Board has determined that individuals who hold a Certified Master Addict Counselor (CMAC) certification from the Illinois Alcohol and Other Drug Abuse Professional Certification Association (IBAPACA) meet the education and experience requirements to be eligible to sit for the examination. An applicant shall submit a CMAC certification from IBAPACA in lieu of the documents required in subsections (a)(1) and (2). Applicants will be required to pass the examination set forth in Section 1375.150.
- d) The Department upon recommendation of the Board has determined that the individuals who hold a certification from the following groups meet the education requirements to be eligible to sit for the examination:
- 1) Clinical Member of the American Association for Marriage and Family Therapy (AAMFT)
  - 2) Fellow or Diplomate of the American Association of Pastoral Counselors (AAPC)
  - 3) Type 33 certificate issued by the Illinois State Board of Education as a School Social Worker, School Counselor or School Psychologist

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- 4) National Certified Counselor (NCC)
- Applicants shall submit a certification from one of the above entities. Applicants will need to submit certification of education and proof of experience and pass the examination set forth in Section 1375.150.
- e) The Department upon recommendation of the Board has determined that individuals who hold a certification as a Certified Rehabilitation Counselor (CRC) meet the examination requirements set forth in Section 1375.150. Individuals who received a certificate from CRC after 1992 meet the education requirements. Individuals who received a certificate from CRC before 1992 will be required to submit a transcript pursuant to Section 1375.150 in order to evaluate educational requirements. All applicants holding a CRC certificate shall submit proof of experience.
- f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- (Source: Repealed at 24 Ill. Reg. 7305, effective 1/1/01)
- Section 1375.110 How to Obtain a Permanent License as a Clinical Professional Counselor After Receiving a Temporary License (Repealed)
- Any person holding a temporary license as a clinical professional counselor shall pass an examination specified by the Department to qualify for a permanent license. The examination shall be passed by September 5, 1998, when all temporary licenses expire regardless of when they were issued.
- a) Any person who obtained a temporary clinical professional counselor license will be required to submit proof of an additional one unit of acceptable clinical professional counseling experience obtained after receipt of the temporary license:
- 1) For the purposes of this Section only, one unit of acceptable experience shall be either:
    - A) The equivalent of one year of full-time work experience under the direction of a qualified supervisor; or
    - B) The equivalent of 2 years of work experience independent of the direction of a qualified supervisor.
  - 2) The specified experience may be obtained as follows:
    - A) One year of experience shall be a maximum of 1680 clock hours obtained in not less than 48 weeks. No more than 1680 clock hours may be counted toward one year of experience.



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~~Part-time experience shall be counted toward the experience requirement.~~

~~For purposes of this subsection, qualified supervisors are individuals who, at the time of supervision, were master's level or doctoral level counselors (such as, but not limited to, licensed or registered marriage and family therapists, registered art therapists, pastoral counselors, school counselors, school social workers, school psychologists, certified rehabilitation counselors, psychologists, social workers, licensed clinical social workers, licensed clinical psychologists, licensed registered psychologists, psychiatrists defined in Section 1-121 of the Mental Health and Developmental Disabilities Code, or licensed clinical professional counselors.~~

~~e) The experience shall have been evaluated by the supervisor as satisfactory.~~

~~b) The unit requirements for this subsection may be satisfied by supervised experience, independent experience, or a combination of supervised and independent experience.~~

~~3) Experience shall be documented as follows:~~

~~A) Certification of experience signed by the applicant's supervisor or~~

~~B) Three affidavits from the applicant's colleagues, consultants, and supervisors who are familiar with the applicant's work.~~

~~b) To sit for the examination, the applicant shall submit an application form provided by the Department, along with the examination fee to the designated testing service.~~

~~c) Upon notification to the Department by the testing service that the applicant has passed the examination, the permanent clinical professional counselor license shall be issued.~~

~~d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:~~

~~i) Provide such information as may be necessary; and/or~~

~~ii) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.~~

(Source: Repealed at 24 Ill. Reg. 7335, effective 04-01-2000.)

# Section 1375.120 Application for Examination/Permanent Licensure as a Clinical Professional Counselor

a) Each applicant seeking original licensure under Section 35 of the Act

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shall file an application with the Department, on forms provided by the Department, at least 90 days prior to an examination date. The application shall include:

i) For individuals who graduated or who were enrolled in a program prior to January 1, 1999 (individuals who have until January 1, 2003 to complete the educational requirements set forth in Section 1375.140(a)), otherwise, the applicant will be required to meet the educational requirements set forth in Section 1375.140(b)):

A) Either:

i) Certification of education from a master's degree program in counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located, or certification of education and an official transcript from a similar master's degree program as defined in Section 1375.140(a) of this Part, ~~and~~ individuals who have completed experience prior to January 1, 1999 may complete of complete the equivalent of 2 units of acceptable experience (2 years, full-time satisfactory supervised employment working as a clinical professional counselor under the direction of a qualified supervisor as defined in subsection (a)(1)(B) below or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor subsequent to the degree as defined in Section 1375.140(a) of this Part or a combination of supervised experience and independent experience). All experience obtained beginning January 1, 1999 shall meet the experience requirements set forth in Section 1375.130; or

ii) Certification of education or and an official transcript from a doctoral degree program in counseling, rehabilitation counseling, or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140(a) of this Part, individuals who have completed experience prior to January 1, 1999 may complete of complete the equivalent of 2 units of acceptable experience (2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor, as defined in Subsection (a)(1)(B) below Section 1375.140(a)(2) or a

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combination of supervised experience and independent experience). All experience obtained beginning January 1, 1999, shall meet the experience requirements set forth in Section 1375.130.

- B) Experience gained prior to January 1, 1999 shall be documented as follows:

- i) Certification of experience signed by the applicant's supervisor. A qualified supervisor for purposes of this subsection (a)(1)(B)(i) is defined as any person who is a master's level or doctoral level counselor (such as, but not limited to, registered art therapist, licensed or registered marriage and family therapist, school counselor, school social worker, school psychologist, certified rehabilitation counselor at the master's level, pastoral counselor), a licensed clinical professional counselor, certified social worker or licensed clinical social worker, licensed/registered clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code; or
- ii) Three affidavits from the applicant's colleagues, consultants and supervisors who are familiar with the applicant's work.

One year of experience shall be a maximum of 1680 clock hours obtained in not less than 48 weeks. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.

- 2) For individuals who graduated on or after January 1, 1999:

- A) Certification of education of and an official transcript from a master's degree program in counseling, rehabilitation counseling, or psychology from a regionally accredited college, school or university or similar degree program as defined in Section 1375.140(b) of this Part and completion of the equivalent of 2 years full-time satisfactory supervised employment or experience working as a clinical professional counselor under the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.130 of this Part; or
- B) Certification of education of and an official transcript from a doctoral degree program in counseling, rehabilitation counseling, or psychology from a regionally accredited college, school or university or similar degree program as defined in Section 1375.140(b) of this Part and completion of the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor, as defined in Section 10 of the Act, at least one year of which is subsequent to the degree.

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- 3) A complete work history since receipt of the first qualifying degree (master's or doctoral degree).
- 4) The fee required in Section 60(a) of the Act.
- 5) Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating: which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;

- A) A description of the examination in that jurisdiction; and
- B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

- b) The Department, upon recommendation of the Board, has determined that individuals who hold the certification of a Certified Clinical Mental Health Counselor (CCMHC) based on examination meet the education, experience and examination requirements for licensure as a Clinical Professional Counselor.
- c) The Department, upon recommendation of the Board, has determined that, prior to January 1, 1999, individuals who hold a Certified Master ADDA Counselor (CMADC) certification from the Illinois Alcohol and Other Drug Abuse Professional Certification Association (IODAPCA) meet the education and experience requirements to be eligible to sit for the examination. An applicant shall submit a CMADC certification from IODAPCA in lieu of the documents required in subsections (a)(1) and (2). Applicants will be required to pass the examination set forth in Section 1375.150. After December 31, 1998 individuals shall be required to submit certification of education and experience as set forth in subsection (a)(2) above.

- d) The Department, upon recommendation of the Board, has determined that the individuals who hold a certification from the following groups meet the education requirements to be eligible to sit for the examination.
  - 1) Clinical Member of the American Association for Marriage and Family Therapy (AAMFT)
  - 2) Fellow or Diplomate of the American Association of Pastoral Counselors (AAPC)
  - 3) Type 73 certificate issued by the Illinois State Board of Education as a School Counselor, School Social Worker or School Psychologist

An applicant shall submit a current certification from one of the above entities. The applicant shall submit proof of experience and pass the examination set forth in Section 1375.150.

- e) The Department, upon recommendation of the Board, has determined that individuals who received their Certified Rehabilitation Counselor (CRC) certification after January 1992 have been determined to meet the education and examination requirements. Individuals who received

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a CRC certificate before 1992 will be required to submit a transcript pursuant to Section 1375.150 in order to evaluate educational requirements. All applicants holding a CRC certificate shall submit proof of experience.

f) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.

g) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:

1) Provide such information as may be necessary; and/or

2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

h) If an applicant has taken and passed the examinations in accordance with Section 1375.150, the applicant shall file an application in accordance with subsection (a) above and shall have the examination scores submitted to the Department directly from the testing entity or from the state of original licensure.

(Source: Amended at 24 Ill. Reg. 7385 effective 1/1/2001)

## Section 1375.150 Examination - Clinical Professional Counselor

a) Prior to January 1, 1999 the examination for licensure as a clinical professional counselor shall be the National Clinical Mental Health Counseling Examination (NOMHCE).

b) After December 31, 1998 the examination for licensure as a clinical professional counselor shall be the National Counseling Examination (the Examination) of the National Board for Clinical Counselors (NBCC) and the National Clinical ~~Certified~~ Mental Health Counseling Examination.

c) The passing score on the examination shall be the passing score established by the testing entity.

d) The Department also shall accept passage of the Certified Rehabilitation Counselor Examination of the Commission on Rehabilitation Counselor Certification (CRCC).

(Source: Amended at 24 Ill. Reg. 7385 effective 1/1/2001)

## Section 1375.160 Endorsement - Clinical Professional Counselor

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a) Each applicant seeking licensure as a clinical professional counselor under Section 70 of the Act shall file an application with the Department on forms provided by the Department. The application shall include:

1) For individuals who graduated prior to January 1, 1999:

A) Certification of education from a master's degree in counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located, or certification of education and an official transcript from a similar master's degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 units of acceptable experience (2 years of full-time satisfactory supervised employment working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.120(a)(1)(B)(i) ~~1375.100(e)(2)~~ of this Part) or a combination of the supervised experience and independent experience. Experience earned on or after January 1, 1999 shall meet the requirements set forth in Section 1375.130; or

B) Certification of education and an official transcript from a doctoral degree in counseling, rehabilitation counseling, psychology or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 units of acceptable experience (2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor, as defined in Section 1375.120(a)(1)(B)(i) ~~1375.100(e)(2)~~) or a combination of the supervised experience and independent experience. Experience earned on or after January 1, 1999 shall meet the requirements set forth in Section 1375.130.

2) Applicants who graduated on or after January 1, 1999:

A) Certification of education and an official transcript from a master's degree program in counseling, or rehabilitation counseling, psychology from a college, university or school regionally accredited by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 years of full-time satisfactory supervised employment or experience working as a clinical professional counselor under the direction of a qualified supervisor, subsequent to the degree, as defined

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in Section 1375.130 of this Part; or

- B) Certification of education and an official transcript from a doctoral degree program in counseling, rehabilitation counseling, or psychology from a college, university or school regionally accredited by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor, as defined in Section 10 of the Act, at least one year of which is subsequent to the degree.
- 3) A complete work history since receipt of the master's or doctorate degree.
- 4) Successful completion of the examinations in accordance with Section 1375.150 of this Part.
- 5) The required fee set forth in Section 60(1) of the Act.
- 6) Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
- B) A description of the examination in that jurisdiction; and
- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) The Department, upon recommendation of the Professional Counselor Licensing and Disciplinary Board (the Board), shall issue a license if a review of the application indicates that the applicant meets all the requirements of this Part and the Act.

(Source: Amended at 24 Ill. Reg. 7355, effective 1/1/00)

## SUBPART C: GENERAL

## Section 1375.220 Continuing Education

- a) Continuing Education Hours Requirements
- 1) For the March 31, 1999 renewal a licensee will be required to complete 12 hours of continuing education. Beginning with the March 31, 2001 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 30 hours of continuing education.
- 2) A prerenewal period is the 24 months preceding March 31 of each odd-numbered year.

- 3) CE requirements shall be the same for licensed professional counselors and licensed clinical professional counselors.
- 4) One CE hour shall equal one clock hour of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.
- 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
- 6) Professional counselors or clinical professional counselors licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
- 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

## b) Approved Continuing Education (CE)

- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsections b)(2), (3) and (4) below.
- 2) A maximum of 10 CE credits per prerenewal period may be earned for completion of a correspondence course that is offered by an approved sponsor who meets the requirements set forth in subsection (c) below. Each correspondence course shall include an examination.
- 3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of professional counseling related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- 4) CE credit may be earned for verified teaching in the field of counseling in an accredited college, university or graduate school and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program). A maximum of 10 hours of CE credit may be obtained in this category per prerenewal period.
- 5) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of counseling. The preparation of each published paper, book chapter or professional presentation dealing with professional counseling or clinical professional

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counseling may be claimed as 5 hours of credit. A presentation must be before an audience of professional counselors. Five credit hours may be claimed for only the first time the information is published or presented.

6) A maximum of 8 hours of CE credit may be earned per renewal period for supervision which is received on a regular basis with a set agenda. Supervision credit may be not earned for supervision provided to others. Supervision shall be documented with a letter from the supervisor indicating the start and end dates in which the supervision occurred, the site where supervision was provided, the number of hours of participation and the name and license number of the supervisor. The letter shall be signed by the supervisor.

7) A maximum of 6 hours of CE credit may be earned per renewal period for leadership activities. Such activities include, but are not limited to, officer of a state or national counseling organization; editor of a professional counseling journal; member of a national counselor certification board; member of a national ethics disciplinary review committee; chair of a major counseling conference or convention; active member of a counseling committee producing a substantial written product. The leadership shall be documented in a letter of confirmation on the organization's letterhead and shall include the start and end dates of leadership, the name of the organization and the position held.

c) Approved CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean:

- A) National Board for Certified Counselors or its affiliates;
- B) American Counseling Association or its affiliates;
- C) Commission on Rehabilitation Counselor or its affiliates;
- D) American Association for Marriage and Family Therapy or its affiliates;

E) Employee Assistance Professional Association (EAPA) or its affiliates;

F) Social Work Continuing Education Sponsors approved by the Department in accordance with the rules for the administration of Clinical Social Work and Social Work Practice Act [225 ILCS 201/7.68 Ill. Adm. Code 1470.92].

G) American Psychological Association; and

H) Any other accredited school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department pursuant to subsection (c)(2) of this Section to coordinate and present continuing education courses and programs.

2) An entity seeking approval as a CE sponsor shall submit an application, on forms supplied by the Department, along with a \$500 application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this

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fee.) The application shall include:

A) Certification:

- i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
- ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
- iii) That, upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;

iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates; Notice shall include the description, location, date and time of the program to be offered; and a copy of a sample program with faculty, course materials and syllabi.

3) All programs shall:

- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of professional counseling or clinical professional counseling;
  - B) Foster the enhancement of general or specialized counseling or clinical counseling practice and values;
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - D) Specify the course objectives, course content and teaching methods to be used; and
  - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number.



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The present or of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.

6) All programs given by approved sponsors shall be open to all licensed professional counselors and licensed clinical professional counselors and not be limited to members of a single organization or group.

7) To maintain approval as a sponsor pursuant to subsection (c)(2) above, each shall submit to the Department by March 30 of each odd-numbered year a renewal application, a \$250 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.

8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

- A) The name, address and license number of the sponsor;
- B) The name and address of the participant;
- C) A brief statement of the subject matter;
- D) The number of hours attended in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.

9) The sponsor shall maintain attendance records for not less than 5 years.

10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

11) Upon the failure of a sponsor to comply with any of the requirements of this Section, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.

12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.

2) The Department may require additional evidence demonstrating

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compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act (5 ILCS 100/10-65).

e) Continuing Education Barred in Other Jurisdictions

1) If a licensee has earned or is seeking CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or prior to 90 days after expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$50 per CE hour late fee not to exceed \$300. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 13(4) and (5) of the Act.

g) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 13(3) of the Act, a statement setting forth the facts concerning noncompliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds, from such affidavit or any other evidence submitted, that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable



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prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
  - B) An incapacitating illness documented by a statement from a currently licensed physician;
  - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
  - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Amended at 24 Ill. Reg. **7335**, effective 1/1/00.)

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- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers:

120.10	Adopted Action:
120.11	Amendment
120.31	Amendment
120.60	Amendment
120.64	Amendment
120.400	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: May 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 3, 2000 (24 Ill. Reg. 25)
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences Between Proposal and Final Version:  
Throughout these rules, "spend-down" has been changed to "spenddown".

## Section 120.11

In subsections (a)(1) and (b)(1), the federal citations in parentheses have been changed to read, "(42 USC 1396a(a)(10)(A)(i))".

In subsection (a)(3), "subsection" has been added before "(a)(1)".

In subsection (b)(3), "120.40" has been changed to "120.400".

## Section 120.31

In subsection (a), the citation in parentheses has been changed to read, "(42 USC 1396a(a)(10)(A)(i))".

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**Section 120.64**

In subsection (b), "gave birth," has been changed to "gave birth or" and a comma has been added after "abortion".

**Section 120.400**

Subsection (a) has been revised to read:

Coverage under the Department's Medical Assistance Program shall be provided for all eligible persons under 19 years of age for a 12 month period, regardless of any changes in income that may occur during that period, except as provided in subsections (c) and (d) of this Section. Provisions under this Section are not applicable to persons under age 19 who do not experience any changes in circumstances and continue to meet all medical assistance eligibility requirements.

In subsection (c)(8), "Section 160.30" has been changed to "89 Ill. Adm. Code 160.30".

No other substantive changes have been made in the text of the proposed amendments.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and Purpose of Amendments:

Several changes are being made in the Department's administrative rules concerning medical assistance eligibility. The most substantive changes are applicable to persons under 19 years of age. According to these new provisions, when eligibility for medical assistance has been determined or redetermined, eligibility will continue for a period of 12 months from the last date of eligibility determination regardless of any change in circumstances, except when a person reaches the age of 19 years, is no longer an Illinois resident, becomes incarcerated, was incorrectly determined eligible, or is a parent and refuses to cooperate with child support and medical support responsibilities. This continuous eligibility will apply to all eligible persons under 19 years of age, including caretaker relatives and their spouses, if under age 19.

These continuous eligibility provisions will not apply to any person who

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has been determined to be presumptively eligible, or has a spenddown, or has been determined eligible for emergency medical assistance for noncitizens. These changes are also not applicable to persons under age 19 who do not experience any changes in circumstances and continue to meet all medical assistance eligibility requirements.

The Department is initiating this expansion of medical assistance coverage as an optional service under Medicaid as allowed by Section 1902 of the Social Security Act (42 USC 1396a)(a)(10)(A)(i)).

Other revisions pertaining to medical assistance eligibility for pregnant women are being made to provide technical clarifications that will not result in any policy or reimbursement changes.

The budgetary increase associated with these changes is expected to be approximately \$11.3 million for the latter part of fiscal year 2000.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Joanne Jones  
Address: Office of General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
Telephone: (217) 524-0081

The full text of the adopted amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120  
MEDICAL ASSISTANCE PROGRAMS

## SUBPART A: GENERAL PROVISIONS

Section  
120.1 Incorporation By Reference

## SUBPART B: ASSISTANCE STANDARDS

Section  
120.10 Eligibility For Medical Assistance  
120.11 MANG(P) Eligibility  
120.12 Healthy Start - Medicaid Presumptive Eligibility Program For Pregnant Women  
120.20 MANG(AABD) Income Standard  
120.30 MANG(C) Income Standard  
120.31 MANG(P) Income Standard  
120.40 Exceptions To Use Of MANG Income Standard  
120.50 AMI Income Standard (Repealed)

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section  
120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children  
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities  
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643  
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings  
120.64 MANG(P) Cases  
120.65 Department of Mental Health and Developmental Disabilities (DMHDD) Licensed Community - Integrated Living Arrangements

## SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section  
120.70 Supplementary Medical Insurance Benefits (SMIB) Buy-In Program  
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)  
120.73 Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)

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120.74 Qualified Medicare Beneficiary (QMB) Income Standard  
120.75 Specified Low-Income Medicare Beneficiary (SLIB) Income Standards  
120.76 Hospital Insurance Benefits (HIB)

## SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section  
120.80 Recipient Restriction Program

## SUBPART F: MIGRANT MEDICAL PROGRAM

Section  
120.90 Migrant Medical Program  
120.91 Income Standards

## SUBPART G: AID TO THE MEDICALLY INDIGENT

Section  
120.200 Elimination of Aid to the Medically Indigent  
120.208 Client Cooperation (Repealed)  
120.210 Citizenship (Repealed)  
120.211 Residence (Repealed)  
120.212 Age (Repealed)  
120.213 Relationship (Repealed)

120.214 Living Arrangement (Repealed)  
120.216 Supplemental Payments (Repealed)  
120.217 Institutional Status (Repealed)  
120.218 Foster Care Program (Repealed)  
120.224 Social Security Numbers (Repealed)  
120.225 Unearned Income (Repealed)  
120.230 Social Security Numbers (Repealed)  
120.235 Exempt Unearned Income (Repealed)  
120.236 Education Benefits (Repealed)  
120.240 Unearned Income In-Kind (Repealed)  
120.245 Earmarked Income (Repealed)  
120.250 Lump Sum Payments and Income Tax Refunds (Repealed)  
120.255 Protected Income (Repealed)  
120.260 Earned Income (Repealed)  
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120.262 Exempt Earned Income (Repealed)  
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120.272 Earned Income From Self-Employment (Repealed)  
120.273 Earned Income From Roomer and Boarder (Repealed)  
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AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].	
SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 35, p. 399, effective August 18, 1979, amended at 3 Ill. Reg. 35, p. 415, effective August 18, 1979; amended at 3 Ill. Reg.	

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38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10133, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10134, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; amended at 7 Ill. Reg. 8082, amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 3253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903,

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effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12296, effective July 22, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 4907, effective January 23, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 11, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11829, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5919, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg.

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10396, effective June 20, 1990; amended at 14 Ill. Reg. 12277, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13639, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 7361, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective August 27, 1999.

## SUBPART B: ASSISTANCE STANDARDS

## Section 120.10 Eligibility For Medical Assistance

- a) Eligibility for medical assistance ~~Medical Assistance~~ exists when a client meets the non-financial requirements of the program and the client's countable nonexempt income (Sections 120.330 and 120.360) is equal to or less than the applicable Medical Assistance - No Grant (MANG) standard and for AABD MANG, countable nonexempt assets are not in excess of the applicable asset disregards (Section 120.380).
- b) For AABD MANG, the client's countable income and assets include the client's nonexempt income and assets and the nonexempt income and

assets of all persons included in the Medical Assistance standard. The client's responsible relative(s) living with the child must be included in the standard. The client has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.

c) For TANF (Temporary Assistance for Needy Families) MANG, the client's countable income includes the client's nonexempt income and the nonexempt income of all persons included in the Medical Assistance standard. The client's responsible relative(s) living with the child must be included in the standard. The client has the option to request that a dependent child under age 18 in the home who is not included in the MANG unit be included in the MANG standard.

d) For AABD MANG, if the client's countable nonexempt income is greater than the applicable MANG standard and/or countable nonexempt assets are over the applicable asset disregard, the client must meet the spenddown obligation determined for the applicable time period before becoming eligible to receive medical assistance. ~~Medical Assistance~~

e) For TANF MANG, if the client's countable nonexempt income is greater than the applicable MANG standard, the client must meet the spenddown obligation determined for the applicable time period before becoming eligible to receive medical assistance. ~~Medical Assistance~~

f) A one month eligibility period is used for clients receiving care in an intermediate care facility (ICF) or skilled nursing facility (SNF) or in a Department of Human Services facility. Nonexempt income and nonexempt assets over the asset disregard are applied toward the cost of care on a monthly basis.

g) Newborns

- 1) When the Department becomes aware of the birth of a child to a recipient of a TANF or AABD grant or related medical assistance or medical assistance due to the mother's pregnancy, the child shall be deemed to have applied for medical assistance only without written request, if the subject to the following conditions: At the mother had must have been receiving TANF or AABD related medical assistance or medical assistance due to her pregnancy on the date of birth of the child. B) The mother must have been continuously eligible for such medical assistance for a period of time as determined in Section 120.400 only from the date of birth for up to one year or until the mother becomes ineligible for medical assistance whichever comes first. The newborn can be added to the grant or medical assistance case if it otherwise eligible through regular procedures by written request at any time.
- 2) The newborn shall be eligible to receive medical assistance for a period of time as determined in Section 120.400 only from the date of birth for up to one year or until the mother becomes ineligible for medical assistance whichever comes first. The newborn can be added to the grant or medical assistance case if it otherwise eligible through regular procedures by written request at any time.

(Source: amended at 24 Ill. Reg. 7361, effective August 27, 1999)



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## Section 120.11 WANG(P) Eligibility

## a) Pregnant Women Eligible for WANG(P)

1) Eligibility for medical assistance exists for a pregnant woman of any age who does not qualify as mandatory categorically needy ~~(Social Security Act (42 USC 1396a(a)(10)(A)(i))~~ ~~USE 1992e(f)(4)(f)(7) and 1995(f)(7)~~ who meets the following eligibility requirements:

A) cooperation in establishing eligibility as described in Section 120.308;

B) residency as described in Section 120.311; and  
C) whose countable monthly income does not exceed the WANG(P) income standard (see Section 120.31).

2) The pregnant woman shall be eligible to receive medical assistance until 60 days following the last day of pregnancy. The 60 day medical coverage continues through the last day of the calendar month in which the 60 day period ends. The 60 days medical coverage period shall be provided for all ~~pregnant~~ women determined eligible for medical assistance under subsection (a)(1) of this Section including pregnant women who are no longer pregnant at the time of application, but were pregnant at any time during the three calendar months preceding the month in which the application was received. A woman who meets the requirements of this Section is eligible regardless of whether the pregnancy ended as a result of birth, miscarriage or abortion and regardless of whether she ~~because the woman had a miscarriage or an abortion~~ or signed an adoption agreement.

3) When a pregnant woman is determined eligible for medical assistance under subsection (a)(1) of this Section, income changes occurring after the eligibility determination are not considered through the 60 day postpartum period following the last day of pregnancy.

## b) Children Under Age 19 Eligible for WANG(P)

1) Eligibility for medical assistance exists for children under age 19 who do not qualify as mandatory categorically needy ~~(Social Security Act (42 USC 1396a(a)(10)(A)(i))~~ ~~USE 1992e(f)(4)(f)(7) and 1995(f)(7)~~ who meet the following eligibility requirements:

A) cooperation in establishing eligibility as described in Section 120.308;

B) citizenship/alienage status as described in 120.310;

C) residency as described in Section 120.311; and  
D) whose countable monthly income exceeds the WANG(C) or WANG(ABD) income standards (Sections 120.20 and 120.30) but does not exceed the WANG(P) income standard (see Section 120.31).

2) Children under age 19 shall be eligible to receive medical assistance under subsection (b)(1) of this Section for a period of time as determined in Section 120.400.\*

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A) ~~from the date of birth through age 18; or~~  
B) ~~through age 18; if an application is approved for medical assistance; or~~

C) ~~until countable monthly income exceeds the WANG(P) income standard (see Section 120.31); whichever comes first.~~

3) When the Department becomes aware of the birth of a child or children to a woman determined eligible under subsection (a)(1) of this Section while she was eligible, the child or children shall be deemed to have applied and been found eligible for medical assistance under subsection (b)(1) of this Section, without written request. The child or children shall be eligible to receive medical assistance for a period of time as determined in Section 120.400. ~~the same period of time the mother is receiving medical assistance.~~

4) ~~When the child's mother becomes ineligible for medical assistance under subsection (a) of this Section, the infant retains eligibility for medical assistance until:~~

A) ~~up to age one year?~~

B) ~~through age 18; if an application is approved for medical assistance?~~

C) ~~countable monthly income exceeds the WANG(P) income standard (see Section 120.31); whichever comes first; or~~

D) ~~if an application is later approved for financial assistance, the child is ineligible for medical assistance under this subsection (b)?~~

5) ~~When a child is determined eligible for medical assistance under this subsection (b) and there is a change in income which causes countable monthly income to exceed the WANG(P) income standard (see Section 120.31); the child is ineligible for medical assistance under this subsection (b); Countable income must then be compared to the WANG(C) or WANG(ABD) income standard (see Section 120.20; 120.30) to determine the spenddown amount; if any:~~

(Source: Amended at 24 Ill. Reg. 736J effective 4/1/2001)

## Section 120.31 WANG(P) Income Standard

a) WANG(P) is available to pregnant women and to children under age 19 who do not qualify as mandatory categorically needy ~~(Social Security Act (42 USC 1396a(a)(10)(A)(i)) and 1995(f)(7))~~ whose non-exempt countable income does not exceed the WANG(P) income standard. If the household's countable monthly income exceeds the appropriate WANG(P) standards, eligibility for WANG(P) does not exist. The WANG(P) income standards are as follows:

1) The WANG(P) income standard shall be 200 percent of the current Federal Poverty Level Income Guidelines, as published annually in

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the Federal Register, for pregnant women and for infants born to ~~Medicaid-eligible-pregnant~~ women eligible for and receiving medical assistance on the date of the child's birth, including women determined eligible for the date of birth pursuant to subsection (e)(4) of this Section.

- 2) The ~~MANG(P)~~ income standard shall be 133 percent of the current Federal Poverty Level Income Guidelines, as published annually in the Federal Register, ~~for infants-born-to-non-Medicaid-eligible-pregnant-women-and~~ for all other children under age 19.

- b) ~~MANG(P)~~ is available for a pregnant woman, of any age, whose countable monthly income for the household does not exceed the ~~MANG(P)~~ income standard. If the pregnant woman is married and her spouse lives with her, her pregnancy does not make her spouse eligible for ~~MANG(P)~~. The pregnant woman and her spouse's income are combined and compared to the ~~MANG(P)~~ standard for the number of persons in the family even though only the pregnant woman is eligible to receive ~~MANG(P)~~. An unborn child is counted as a family member.

- c) ~~MANG(P)~~ is available for children under age 19 whose countable monthly income for the household does not exceed the appropriate ~~MANG(P)~~ income standards.

- d) When financial eligibility for ~~MANG(P)~~ is being determined for a child under age 19, the household's income is combined and compared to the ~~MANG(P)~~ income standard for the family size, including unborn children.

- e) When financial eligibility for ~~MANG(P)~~ is being determined for a pregnant woman who meets the requirements for ~~MANG(P)~~, income is considered in the following manner:

- 1) Income is considered for the month of application. When eligibility exists for the month of application, ~~MANG(P)~~ coverage is authorized beginning with the month of application. Income changes occurring after the month of application are not considered through the 60 day period following the last day of pregnancy.

- 2) Income is considered for the month following the month of application when the pregnant woman is income ineligible for the month of application. If eligibility exists for the month following the month of application, ~~MANG(P)~~ coverage is authorized beginning with the month following the month of application. Income changes occurring after the month following the month of application are not considered through the 60 day period following the last day of pregnancy.

- 3) When the case is income ineligible for the month of application and the month following the month of application, financial eligibility is determined under Sections 120.10 and 120.60.

- 4) When determining income eligibility for a backdated month (up to three months before the month of application), eligibility ~~the client-is-eligible~~ for medical coverage begins ~~beginning~~ with the month income is at or below the ~~MANG(P)~~ income standard. Income

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changes occurring after the month of authorization are not considered through the 60 day period following the last day of pregnancy.

(Source: Amended at 24 Ill. Reg. 7361, effective 1/1/2011)

## SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

## Section 120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children

The following subsections apply to all cases other than those receiving care in licensed intermediate care facilities, licensed skilled nursing facilities, Department of Human Services (DHS) facilities, or DHS approved community based residential settings under 89 Ill. Adm. Code 140.643, or pregnant women and children under age 19 who do not qualify as mandatory categorically needy.

- a) ~~The-eligibility-period-for-MANG-is-one-month~~-The eligibility period shall begin with:

- 1) the first day of the month of application;
- 2) the first day of any month, prior to the month of application, in which the client meets non-financial eligibility requirements up to three months prior to the month of application, if the client so desires; or
- 3) the first day of a month, after the month of application, in which the client meets non-financial eligibility requirements.

- b) Eligibility without Spenddown for MANG

- 1) For MANG MANG, if the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30) and nonexempt assets are not in excess of the applicable asset disregard (Section 120.382), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.

- 2) For TANF MANG, if the client's nonexempt income available during the eligibility period is equal to or below the applicable MANG standard (Sections 120.20 and 120.30), the client is eligible for medical assistance from the first day of the eligibility period. The Department will pay for covered services received during the entire eligibility period.

- 3) The client is responsible for reporting any changes that occur during the eligibility period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department, including termination of eligibility for medical assistance, if changes in income, assets or family composition occur which would make the client a spenddown case, a spenddown ~~spend-down~~ obligation will be determined and subsection (c) of this Section will apply.

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- 4) A redetermination of eligibility will be made at least every 12 months.
- c) Eligibility with Spenddown for MANG
- i) For AARD MANG, if the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard and/or nonexempt assets are over the applicable asset disregard, the client must meet the spenddown spend-down obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spenddown spend-down obligation is the sum of the amount by which the client's nonexempt income exceeds the MANG standard and the amount of nonexempt assets in excess of the applicable asset disregard.
  - 2) For VANP MANG, if the client's nonexempt income available during the applicable eligibility period is greater than the applicable MANG standard, the client must meet the spenddown spend-down obligation determined for the eligibility period before becoming eligible to receive medical assistance. The spenddown spend-down obligation is the amount by which the client's nonexempt income exceeds the MANG standard.
  - 3) The client meets the spenddown spend-down obligation by incurring or paying for medical expenses in an amount equal to the spenddown spend-down obligation.
    - A) Medical expenses shall be applied to the spenddown spend-down obligation in the following order:
      - i) Charges for DHS Home Services and/or Community Based Services. These charges are considered incurred the first day of the month, regardless of the day the services are actually provided.
      - ii) Payments made for medical expenses within the previous six months. Payments are considered incurred the first day of the month of payment.
      - iii) Unpaid medical expenses. These are considered as of the date of service and are applied in chronological order.
  - B) If multiple medical expenses are incurred on the same day, the expenses shall be applied in the following order:
    - i) Health insurance deductibles (including Medicare and other co-insurance charges).
    - ii) All copayment charges incurred or paid on spenddown spend-down met day.
    - iii) Expenses for medical services and/or items not covered by the Department's Medical Assistance Program.
    - iv) Cost share amounts incurred for in-home care services by individuals receiving services through the Department on Aging (DOA).
    - v) Expenses incurred for in-home care services by individuals receiving or purchasing services from private providers.

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- vi) Expenses incurred for medical services or items covered by the Department's Medical Assistance Program. If more than one covered service is received on the day, the charges will be considered in order of amount. The bill for the smallest amount will be considered first.
- C) If a service is provided during the eligibility period but payment may be made by a third party, such as an insurance company, the medical expense will not be considered towards spenddown until the bill is adjudicated. When adjudicated, that part determined to be the responsibility of the client shall be considered as incurred on the date of service.
- 4) After application for medical assistance for cases eligible with a spenddown spend-down obligation who do not have a QMB or WANC(P) member, an additional eligibility determination will be made.
- A) For VANP MANG, if countable income is greater than the QMB income standard (Section 120.74), and for AARD MANG, if countable income is greater than the income standard or countable assets are greater than the QMB asset disregard (Section 120.392(d)), the case will not be enrolled in spenddown unless:
    - i) the case does not have a spenddown spend-down obligation for any month of the twelve-month enrollment period;
    - ii) medical expenses equal the spenddown spend-down obligation for at least one month of the twelve-month enrollment period; or
    - iii) the person is on a waiting list or would be on a waiting list to receive a transplant if he or she had a source of payment.
  - B) Cases which meet any of these conditions will be notified, in writing, of the spenddown spend-down obligation. The client will also be notified that his or her case will be reviewed beginning in the sixth month of the twelve-month enrollment period. If the client has not had medical eligibility in one of the last three months at the time of review (including the month of review), the case will terminate unless the case contains a person who is on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment. A new application will be required if the client wishes continued medical assistance.
  - C) When proof of incurred medical expenses equal to the spenddown spend-down obligation is provided to the local office, eligibility for medical assistance shall begin effective the first day that the spenddown spend-down obligation is met. The Department will pay for covered services received from that date until the end of the

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eligibility period. The client shall be responsible, directly to the provider, for payment for services provided prior to the time the client meets the spenddown spend-down obligation.

- 5) Cases with a spenddown spend-down obligation which do not have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will be reviewed beginning in the sixth month of enrollment to determine if they have had medical eligibility within the last three months, including the month of review. If so, enrollment will continue. If not, enrollment will be terminated and the client will be advised that if he or she wishes continued medical assistance, a reapplication must be filed. Upon reapplication, a new twelve-month enrollment period will be established (assuming non-financial factors of eligibility are met). If appropriate, a new spenddown spend-down obligation will be created.

A) If the client files a reapplication prior to four months after the end of the period of enrollment, the client will be sent through a special abbreviated intake procedure making use of current case record material to verify factors of eligibility not subject to change.

B) Cases that remain eligible in the tenth month of the enrollment period or which have a QMB, a MANG(P) member or a person on a waiting list or who would be on a waiting list to receive a transplant if he or she had a source of payment, will remain enrolled and will be redetermined once every 12 months.

- 6) The client is responsible for reporting any changes that occur during the enrollment period which might affect eligibility for medical assistance. If changes occur, appropriate action shall be taken by the Department including termination of eligibility for medical assistance.

7) For AABD MANG, if changes in income, assets or family composition occur, appropriate adjustments to the spenddown spend-down obligation and date of eligibility for medical assistance shall be made by the Department. The client will be notified, in writing, of the new spenddown spend-down obligation.

A) If income decreases or assets fall below the applicable asset disregard and, as a result, the client has already met the new spenddown spend-down obligation, eligibility for medical assistance shall be back-dated to the appropriate date.

B) If income or assets increase and, as a result, the client has not produced proof of incurred medical expenses equal to the new spend-down spend-down obligation, the written notification of the new spenddown spend-down amount will also inform the client that eligibility for medical assistance

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will be interrupted until proof of medical expenses equal to the new spenddown spend-down obligation is produced.

- 8) For MANG MANG, if changes in income or family composition occur, appropriate adjustments to the spenddown spend-down obligation and date of eligibility for medical assistance shall be made by the Department. The client will be notified, in writing, of the new spenddown spend-down obligation.

A) If income decreases and, as a result, the client has already met the new spenddown spend-down obligation, eligibility for medical assistance shall be back-dated to the appropriate date.

B) If income increases and, as a result, the client has not produced proof of incurred medical expenses equal to the new spenddown spend-down obligation, the written notification of the new spenddown spend-down amount will also inform the client that eligibility for medical assistance will be interrupted until proof of medical expenses equal to the new spenddown spend-down obligation is produced.

(Source: Amended at 24 Ill. Reg. 73 61 3, effective 7/1/01)

## Section 120.64 MANG(P) Cases

a) The following subsections apply to MANG(P) clients. The eligibility period for a MANG(P) client shall begin with:

- 1) the first day of the month of application; or  
2) the first day of any month prior to the month of application if the client so desires up to three months prior to the month of application; or

3) the first day of the month after the month of application; or  
4) the first day of a month a pregnant woman and/or child under age 19 meets the requirements of Sections 120.11 and 120.31.

b) The pregnant woman shall be eligible to receive medical assistance until 60 days following the last day of pregnancy. The 60 day medical coverage continues through the last day of the calendar month in which the 60 day period ends. The 60 day medical coverage period shall be provided for all pregnant women determined eligible for medical assistance under Section 120.11(a)(1) of this Section above including pregnant women who are no longer pregnant at the time of application because the woman gave birth or had a miscarriage or an abortion, and including women who or signed an adoption agreement.

c) Children shall be eligible to receive medical assistance as determined pursuant to Section 120.400. +

17 from the date of birth-up to age-19-or

27 up-to-age-19-if-an-application-is--approved-for--medical

37 until---countable---monthly---income---exceeds---the---MANS(f)---income

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~~standard--see Section 120.317, whichever comes first:~~  
~~AGENCY--Nurs:--A newborn child--is--automatically--eligible--to~~  
~~receive medical assistance for the same period of time the mother~~  
~~is receiving medical assistance--Eligibility for the newborn~~  
~~with--automatic eligibility shall continue up to age one, without~~  
~~regard to income changes.~~

d) Covered services received during the entire eligibility period will be paid by the Department (see 89 Ill. Adm. Code 140.3).

e) A redetermination of eligibility for MANG(P) will be made every 12 months for children under age 19.

f) The client is responsible to report any changes that occur during the eligibility period which might affect eligibility for MANG(P). If changes in income or family composition occur which would make the client ineligible for MANG(P), appropriate action shall be taken by the Department, including evaluation of eligibility for other programs or termination of eligibility for medical assistance. Income changes occurring after a pregnant woman is determined eligible for MANG(P) coverage are not considered through the 60 day postpartum period following the last day of pregnancy.

g) MANG(P) clients shall be eligible without a ~~spenddown~~ spend-down obligation amount.

h) A review of case eligibility for MANG(C) will be conducted for a pregnant woman and ~~continued MANG(P) eligibility for the newborn child~~ will be conducted during the second month of the 60 day extended medical coverage period. If eligible, the case shall be transferred by the Department to the appropriate program without interruption in benefit eligibility. If ineligible, the Department shall notify the client in writing.

i) A review of case eligibility for TANF MANG(C) will be conducted when a child is determined ineligible for MANG(P). If the child is eligible for TANF MANG(C), the case shall be transferred by the Department without interruption in benefit eligibility. If ineligible, written notification shall be provided to the client.

(Source: Amended at 24 Ill. Reg. 7361, effective 1/1/81)

## SUBPART H: MEDICAL ASSISTANCE - NO GRANT

## Section 120.400 Twelve Month Eligibility for Persons under Age 19

a) Coverage under the Department's Medical Assistance Program shall be provided for all eligible persons under 19 years of age for a 12 month period, regardless of any changes in income that may occur during that period, except as provided in subsections (c) and (d) of this Section. Provisions under this Section are not applicable to persons under age 19 who do not experience any changes in circumstances and continue to meet all medical assistance eligibility requirements.

b) The 12 month period shall begin the later of:

- 1) the month in which initial eligibility is determined; or
- 2) the month in which eligibility has most recently been determined.

c) Eligibility shall end when the earliest of the following occurs:

- 1) the 12 month period ends; or
- 2) the person attains age 19; or
- 3) the person is no longer a resident of Illinois; or
- 4) the person is incarcerated; or
- 5) the person dies; or
- 6) the Department determines that, at the time of application, incorrect or inaccurate information was provided that affected the eligibility determination; or
- 7) the caretaker relative requests termination; or
- 8) the child is also the caretaker relative of a child receiving benefits under the Public Aid Code and fails to cooperate with the support enforcement for that child as required by 89 Ill. Adm. Code 160.30; or
- 9) The Department determines that the child was incorrectly determined to be eligible.

d) Twelve month eligibility under this Section shall not apply to any person who:

- 1) has only been determined to be presumptively eligible; or
- 2) has a spenddown; or
- 3) has only been determined eligible for emergency medical assistance under Section 120.310(b)(3).

(Source: Added at 24 Ill. Reg. 7361, effective 1/1/81)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Account Wagering
- 2) Code Citation: 11 Ill. Adm. Code 321
- 3) Section Number: Adopted Action:  
321.10 Amendment  
321.80 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendment: May 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 1814, February 4, 2000.

- 10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In Section 321.80(c), a hyphen was added to "short-term and long-term". In Section 321.80(c), the Code cross-reference was corrected. In Section 321.80(c) "of" was changed to "after". The following language was added to Section 321.80(c): "Cancellation of wagers placed through short- or long-term accounts shall be permitted at unmanned wagering terminals. Wagers placed through voucher accounts shall be permitted only at manned wagering terminals".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other proposed amendments pending in this Part? No

- 15) Summary and purpose of amendments: This rulemaking allows cancellations with account wagering subject to the \$500 maximum established in Section 433.20.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
312/814-5070

The full text of the adopted amendments begins on the next page:



## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

## SUBTITLE B: HORSE RACING

## CHAPTER I: ILLINOIS RACING BOARD

## SUBCHAPTER a: GENERAL RULES

## PART 321

## ACCOUNT WAGERING

## Section

321.10 General

321.20 Account Opening

321.30 Refusals

321.40 Patron Information

321.50 Deposits

321.60 Sufficient Account Balance

321.70 Account Credits

321.80 Account Operation

321.90 Account Closure

**AUTHORITY:** Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (230 ILCS 5/9(b)).

**SOURCE:** Adopted at 20 Ill. Reg. 5878, effective April 15, 1996; amended at 24 Ill. Reg. 7382, effective MAY - 1 2000.

## Section 321.10 General

- a) A licensee may offer a system of account wagering to its patrons whereby wagers are debited and payouts are credited to a sum, deposited in an account by the patron, and held by the licensee. The licensee shall request authorization from the State Director of Mutuels before a system of account wagering is offered.
- b) The licensee shall notify the patron, at the time of opening the account, of any rules the licensee has made concerning deposits, withdrawals, cancellations, average daily balance, user fees, interest payments, provisions for closing accounts and any other aspect of the operation of the account. The licensee shall notify the State Director of Mutuels and the patron whenever rules governing the account are changed, such notification occurring before the new rules are applied to the account and including the opportunity for the patron to close or cash in the account. The patron shall be deemed to have accepted the rules of account operations upon signature approval. Failure to accept such new rules shall result in closure of the account. opening or not closing the account:

(Source: Amended at 24 Ill. Reg. 7382, effective MAY - 1 2000)

## ILLINOIS RACING BOARD

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## Section 321.80 Account Operation

- a) The licensee shall maintain complete records of every deposit, withdrawal, wager, cancellation and winning payout for each short-term and long-term account. Voucher accounts shall be recorded in a manner similar to a ticket. These records shall be made available to the Board upon request. The Board shall request the records when there is probable cause for such a request. Examples of instances when probable cause exists include, but are not limited to, allegations of race-fixing or wagering schemes.
- b) Any account wagering system shall provide for the account holder's review and finalization of a wager before it is accepted by the licensee. ~~Neither the account holder nor the licensee shall change a~~ wager after the account holder has reviewed and finalized the wager.
- c) Cancellation of wagers placed through short- or long-term accounts shall be permitted at unmanned wagering terminals. Wagers placed through voucher accounts shall be permitted only at manned wagering terminals. Any cancellation of wager shall conform to the PROVISIONS of 11 Ill. Adm. Code 431.120. Licensees shall review wagering accounts daily to monitor for compliance. Violations shall be reported to the State Director of Mutuels within 48 hours after the occurrence.

(Source: Amended at 24 Ill. Reg. 7382, effective MAY - 1 2000)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Claiming Races
- 2) Code Citation: 11 Ill. Adm. Code 510
- 3) Section Number: Adopted Action:  
510.200 Amendment  
510.250 New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendment: May 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 1818, February 4, 2000.
- 10) Has JCAB issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The Main Source note was corrected. In Section 510.250, corrected the heading.
- 12) Have all the changes agreed upon by the agency and JCAB been made as indicated in the agreements letter? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of amendment: The amendment to Section 510.200 increases the time frame during which a claimed horse must remain at the track from which it was claimed to 60 days. Section 510.250 establishes the restriction of racing a thoroughbred horse for less than 125% of its original claiming price.
- 16) Information and questions regarding these adopted amendments shall be directed to: Gina DiCaro  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5070

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

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## TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

September 1, 1996; amended 7386 Ill. Reg. 951, effective January 7, 1997;  
amended at 24 Ill. Reg. MAY 1 2000.

## SUBTITLE B: HORSE RACING

## CHAPTER I: ILLINOIS RACING BOARD

## SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

## Section 510.200 Claimed Horse Racing Elsewhere

## PART 510

## CLAIMING RACES

## Section

510.10 Definition

510.20 Claiming Eligibility

510.30 Form and Deposit of Claim

510.40 Errors Which Invalidate Claim

510.50 Refund of Voided Claim

510.60 Prohibited Action With Respect to Claim

510.70 Horses under Lien

510.80 Affidavit May be Required

510.90 Claimant's Responsibility

510.100 Claimed Horse's Certificate

510.110 Engagements of a Claimed Horse

510.120 Protests of a Claim

510.130 Title to a Claimed Horse

510.140 Distribution of the Purse

510.150 Delivery of a Claimed Horse

510.160 Trainer Responsibility for Post-Race Tests

510.170 Excluding Claimed Horse

510.180 Stable Eliminated by Fire or Other Hazard

510.190 Entering Claimed Horse (Repealed)

510.200 Determining Eligibility Dates

510.210 Claimed Horse Racing Elsewhere

510.220 Sale of Claimed Horse

510.230 Illinois Rule Governing Claimed Horse

510.240 Extension of Regular Meeting (Repealed)

510.250 Claiming Authorization

510.250 Claiming Price

a) For harness racing, no claimed horse shall race at any other race track until the close of the race meeting at which it was claimed, or for 60 96 days, whichever is shorter.

b) For thoroughbred racing, no claimed horse shall race at any other race track until the close of the race meeting at which it was claimed, or for 60 days, whichever is shorter.

c) This Section shall not apply when claimed horses are fulfilling a stakes engagement or have the express written consent, of the race track where they were claimed, to race at another location.

(Source: Amended at 24 Ill. Reg. 7386 effective MAY 1 2000)

## Section 510.250 Claiming Price

For a period of 30 days after the claim of a thoroughbred horse, it shall not start in a race in which the eligibility price is less than 25% more than the price at which it was claimed.

(Source: Added at 24 Ill. Reg. 7386, effective MAY 1 2000)

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (230 ILCS 5).

SOURCE: Adopted at 5 Ill. Reg. 1686, effective February 16, 1981; amended at 5 Ill. Reg. 8300, effective August 5, 1981; codified at 5 Ill. Reg. 10911; amended at 7 Ill. Reg. 2167, effective February 4, 1983; amended at 7 Ill. Reg. 3197, effective March 14, 1983; amended at 8 Ill. Reg. 14992, effective August 6, 1984; amended at 14 Ill. Reg. 17636, effective October 16, 1990; amended at 17 Ill. Reg. 12423, effective July 15, 1993; amended at 17 Ill. Reg. 13612, effective July 30, 1993; amended at 18 Ill. Reg. 2064, effective January 21, 1994; amended at 18 Ill. Reg. 11607, effective July 7, 1994; amended at 19 Ill. Reg. 13887, effective October 1, 1995; amended at 20 Ill. Reg. 12473, effective

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Entries and Declarations

2) Code Citation: 11 Ill. Adm. Code 1312

3) Section Number: Adopted Action:  
1312.265 Amendment

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rule: May 1, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 1822, February 4, 2000.

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: A comma was removed from the source note.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?  
No

14) Are there any other proposed amendments pending on this Part? No

15) Summary and purpose of amendment: This rulemaking removes the minimum betting interest prohibition with respect to uncoupling of entries for triffecta races.

16) Information and questions regarding these adopted amendments shall be directed to:

Gina DiCaro  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5070

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER I: RULES AND REGULATIONS OF HARNESS RACING

PART 1312  
ENTRIES AND DECLARATIONS

- Section  
1312.10 Entries  
1312.20 Penalties  
1312.30 Sale of Horse With Entrance Due  
1312.40 Receipt of Entries  
1312.50 Postage Meter  
1312.60 Deviation From Published Conditions  
1312.70 When Ineligible Horse Races  
1312.80 Transfer of Ineligible Horse  
1312.90 Withholding Purse When Ineligible Horse Races  
1312.100 Early Closing and Late Closing Events  
1312.110 Subsequent Payments  
1312.120 Trust Funds  
1312.130 Stable Space  
1312.140 Limitation on Conditions  
1312.150 Penalties  
1312.160 Excess Entry Fees  
1312.170 Entries and Starters Required  
1312.180 Elimination Heats  
1312.190 Elimination Plans  
1312.200 Overnight Events  
1312.210 Entry Box and Drawing of Horses  
1312.220 Substitute Races  
1312.230 Drivers  
1312.240 Declaration and Withdrawing  
1312.250 Qualifying Races  
1312.260 Entry or Coupling  
1312.265 Uncoupled Entries  
1312.270 Husband-Wife Entries  
1312.280 Also Eligibles  
1312.290 Preference  
1312.300 Stewards' List  
1312.310 Medical Reasons for Ineligibility

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); amended July 12, 1974, filed July 22, 1974; amended February 13, 1976, filed March 1, 1976; amended September 19, 1975, filed

ILLINOIS RACING BOARD

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October 2, 1975; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; amended at 5 Ill. Reg. 1498, effective February 2, 1981; codified at 5 Ill. Reg. 10934; amended at 15 Ill. Reg. 2727, effective February 5, 1991; amended at 24 Ill. Reg. **7390**, effective MAY 1 2000.

Section 1312.265 Uncoupled Entries

Any entry of separate ownership may be uncoupled with permission of the stewards. Such permission shall not be granted with respect to guineas and exactas ~~perfectas~~ unless fields of six betting interests (five if there is a late scratch) are created. ~~in no event shall such permission be granted in any race on which trifecta wagering is conducted; unless said race is a stakes race and at least 7 separate betting interests start.~~

(Source: Amended at 24 Ill. Reg. **7390**, effective MAY 1 2000)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Entries, Subscriptions and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3) Section Number: Adopted Action:  
1413.48 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Amendment: May 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 24 Ill. Reg. 1826, February 4, 2000
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The Main Source note was corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of amendment: This rulemaking removes the minimum betting interest requirements for uncoupling entries with respect to trifecta races.
- 16) Information and questions regarding these adopted amendments shall be directed to: Gina DiCaro  
Illinois Racing Board  
100 West Randolph  
Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5070

The full text of the adopted amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER 1: ILLINOIS RACING BOARD  
SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

## PART 1413

## ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section	
1413.10	Registration with Jockey Club
1413.20	Registration Rules
1413.30	Eligibility
1413.40	How Entries are Made
1413.42	Number of Entries
1413.44	48- or 72-Hour Entries
1413.46	Also Eligibles Under 48- or 72-Hour Rule
1413.48	Uncoupled Entries
1413.50	Racing Secretary Receives Entries
1413.60	Supervision of Entries
1413.70	When Entries Close
1413.75	Limitation on Purse Reductions
1413.80	Closing in Absence of Conditions
1413.90	Entry by Telegraph
1413.100	List of Entries
1413.114	Couples As Entry
1413.118	Further Definition of Coupling
1413.120	Riders Designated
1413.130	Carding Purse and Handicap Races
1413.134	Race Fails to Fill
1413.138	Substitute and Extra Races
1413.140	Right to Declare Out
1413.150	Number of Entries
1413.160	Fee to Enter
1413.160	Refunds
1413.170	Error in Entry
1413.180	Irrevocable Declaration
1413.190	Notice of Declaration
1413.200	Entry of Unfit Horse
1413.210	Refusal for Inconsistency
1413.220	Horse Ineligible
1413.230	Who May Enter
1413.240	Medical Reasons for Ineligibility
1413.250	Sweepstakes Entries
1413.260	Receipt for Nomination
1413.265	Previous Engagements
1413.270	Transfer of Engagements
1413.280	Transfer of Sweepstakes Engagements
1413.290	Jockey Club Certificates
1413.300	



## ILLINOIS RACING BOARD

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1413.305 Transfer of Jockey Club Certificate  
1413.310 Number of Races in a Day

**AUTHORITY:** Implementing and authorized by Section 9(b) of the Illinois Racing Act of 1975 [230 ILCS 5/9(b)].

**SOURCE:** Published in Rules and Regulations of Horse Racing (original date not cited in publication); amended April 11, 1974, filed and effective April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000.

**Section 1413.48 Uncoupled Entries**

Any entry of separate ownership may be uncoupled with permission of the stewards. Such permission shall not be granted with respect to quinnellas and exactas ~~perfectas~~ unless fields of six betting interests ~~interest~~ (five if there is a late scratch) are created. ~~in no event shall such permission be granted in any race on which trifecta wagering is conducted, unless said race is a stakes race and at least a separate betting interests start.~~ Post time delay due to scratches is limited to ten minutes and notification of this limitation shall be published in the official program.

(Source: Amended at 24 Ill. Reg. 7394, effective May 1, 2000.)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) **Heading of the Part:** Trifecta
- 2) **Code Citation:** 11 Ill. Adm. Code 306
- 3) **Section Number:** 306.20  
306.30  
**Adopted Action:**  
Amendment
- 4) **Statutory Authority:** 230 ILCS 5/9(b)
- 5) **Effective Date of Amendment:** May 1, 2000
- 6) **Does this rulemaking contain an automatic repeal date?** No
- 7) **Does this amendment contain incorporations by reference?** No
- 8) **A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.**
- 9) **Notice of Proposal Published in Illinois Register:** 24 Ill. Reg. 1830, February 4, 2000.
- 10) **Has JCAR issued a Statement of Objection to this amendment?** No
- 11) **Differences between proposal and final version:** In Section 306.20(b), commas were added after "entry" and "uncoupled". In Section 306.20(c), a comma was added after "uncoupled".
- 12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter?** Yes
- 13) **Will these amendments replace emergency amendments currently in effect?** No
- 14) **Are there any other proposed amendments pending in this Part?** No
- 15) **Summary and purpose of amendments:** The amendment to Section 306.20 allows entries (coupled or uncoupled) in trifecta races as long as minimum standards are met. The amendment to Section 306.30 clarifies the requirement of betting interests for trifecta races.
- 16) **Information and questions regarding these adopted amendments shall be directed to:** Gina DiCaro  
Illinois Racing Board  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
(312) 814-5070

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 11: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

## PART 306

## TRIFECTA

## Section

306.10	Definition
306.20	Entries and Fields
306.30	Minimum Fields
306.40	Pool Distribution
306.50	Dead Heats
306.60	Scratches

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 15225, effective November 1, 1995; amended at 24 Ill. Reg. 7397 effective 1/1/00.

## Section 306.20 Entries and Fields

- a) Fields shall be allowed in a trifecta contest, so long as it is a stakes race with a minimum purse of \$100,000.
- b) For harness racing, only ~~only~~ one entry, either coupled or uncoupled, shall be allowed in a trifecta race so long as it is a stakes race with a minimum purse of \$25,000 and a minimum field of eight betting interests at the start of the race. For stakes races with a minimum purse of \$50,000, entries, either coupled or uncoupled, shall be allowed and there shall be no restrictions on minimum betting interests.
- c) For overnight thoroughbred racing, entries, either coupled or uncoupled, ~~racers; one-entry~~ shall be allowed in a trifecta race under the following conditions: ~~so long as the entry--is--coupled--and--at least eight betting interests are carded:~~
  - 1) one entry requires at least six betting interests at the start of the race.
  - 2) two entries requires at least eight betting interests at the start of the race.
  - 3) more than two entries shall require approval from the Executive Director or the State Director of Mutuels.
- d) This Section shall not apply to races which are permitted for simulcasting under Section 26(g) of the Act [230 ILCS 5/26(g)].

(Source: ~~amended~~ at 24 Ill. Reg. 7397 effective 1/1/00)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 306.30 Minimum Fields

- a) For thoroughbred racing, trifecta wagering shall be prohibited on races with fewer than 6 betting interests at the start of the race.
- b) For harness racing, trifecta wagering shall be prohibited on races with fewer than 7 betting interests at the start of the race.
- c) This Section shall not be applicable to Stakes Races.

(Source: Amended at 24 Ill. Reg. 7397, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Regulations Under the Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) Section Numbers: Adopted Action:  
130.842 Amended  
130.843
- 4) Statutory Authority: 815 ILCS 5
- 5) Effective Date of Rulemaking: May 1, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 7, 2000, 24 Ill. Reg. 219
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Made grammatical changes in Sections 130.842(c)(1) and 130.843(c)(1) and changed "International Board of Standards and Practices for Certified Financial Planners, Inc." to "Certified Financial Planner Board of Standards, Inc.". In Sections 180.842(b) and 180.843(b), changed "the effective date of this Section" to "May 1, 2000", and in Sections 130.842(c)(6) and 130.843(c)(6), changed "by rule or order recognize" to "recognize by rule or by an order under 815 ILCS 5/8".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency amendment currently in effect?  
Yes

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: The previous examination requirements for Investment Advisors and Investment Advisors Representatives have been replaced, effective January 1, 2000, by a new examination administered by the National Association of Securities Dealers (NASD). The Securities Department's amendments to the current rules will reflect the change in the NASD examinations and modify registration requirements.

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these adopted amendments shall be directed to:

Tanya Solov, Director  
IL Securities Dept.  
17 N. State St.  
Suite 1100  
Chicago, IL 60601  
312/793-3384

Vickie Wosely  
IL Securities Dept.  
Lincoln Tower, 200  
520 S. Second St.  
Springfield, IL 62701  
217/782-2256

The full text of the adopted amendments begins on the next page:

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE  
SUBTITLE A: REGULATION OF BUSINESS  
CHAPTER I: SECRETARY OF STATE

PART 130  
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

## SUBPART A: RULES OF GENERAL APPLICATION

Section	Business Hours of the Securities Department
130.100	Computation of Time
130.101	Payment of Fees
130.110	Place of Filing
130.120	Date of Filing
130.130	Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.135	Requirements as to Proper Form
130.140	Additional Information
130.141	Additional Exhibits (Repealed)
130.142	Information Unknown or Not Reasonably Available
130.143	Requirements as to Paper, Printing, and Language
130.144	Number of Copies--Signatures
130.145	Provisions for Granting of Variance from Rules
130.190	

## SUBPART B: DEFINITIONS

Section	Definitions of Terms Used in the Act and the Rules
133.200	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.201	Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.202	Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.205	Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.210	Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act
130.211	Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)
130.212	Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
130.215	Definition of "Participates" and "Participation", as Used in Section 130.216

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## NOTICE OF ADOPTED AMENDMENTS

2.6 of the Act in Relation to Certain Transactions  
 Definition of "Regularly Engaged in Securities Sales Activities", as  
 Used in Section 2.9 of the Act  
 Exclusion of Certain Persons from the Definition of Investment  
 Adviser in Section 2.11 of the Act  
 Definition of "Investment Fund Shares", as Used in Section 2.15 of  
 the Act in Relation to Certain Issuers  
 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange  
 or Bankers' Acceptance" as Used in Section 3(L) of the Act  
 Definition, For Certain Purposes, of the Terms "Employee  
 Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan",  
 "Employee Pension Trust or Plan", as Used in Section 3.N and Section  
 3.O of the Act (Repealed)  
 Definition, For Certain Purposes, of the Terms "Employee  
 Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as  
 Used in Section 3.O of the Act (Repealed)  
 Definition of the Term "Institutional Investor" under Sections 4C  
 and 4D of the Act  
 Definition of the Term "Financial Institution" under Section 4.C of  
 the Act  
 Definition of "Issuer Required to File Reports Pursuant to the  
 Provisions of Section 13 or Section 15(d) of the Federal 1934 Act"  
 with Respect to Certain Foreign Private Issuers and "Reports  
 Required to be Filed at Regular Intervals Pursuant to the Provisions  
 of Section 13 or Section 15(d)" as Used in Section 4.F(1) of the Act  
 Definition of the Terms "Balance Sheet" and "Income Statement", as  
 Used in Section 4.F of the Act  
 Definition of the Terms "Residents of this State", "Aggregate Sales  
 Price" and "Sales Made in Reliance Upon the Exemption" Under Section  
 4.G of the Act and "General Advertising or General Solicitation"  
 Under Sections 4.G, 4.H, 4.M and 4.R of the Act  
 Definition of the Term "Public" as Used in Section 4(G)(4) of the  
 Act  
 Definition of the Terms "Offers for Sale" and "Solicitations of  
 Offers to Buy", as Used in Section 4.L of the Act  
 Definition, For Certain Purposes, of the Terms "Commissions,  
 Remuneration or Discounts", as Used in Section 4 and Section 5 of  
 the Act  
 Definition of the Term "Maximum Aggregate Price", as Used in Section  
 5 of the Act  
 Definition of Certain Persons Not Considered to Be Dealers Under  
 Section 2.7 of the Act  
 Definition of the Term "Branch Office" of a Registered Dealer, as  
 Used in Section 8 of the Act  
 Definition of the Term "Branch Office" of a Registered Investment  
 Adviser or a Federal Covered Investment Adviser, as Used in Section  
 8 of the Act  
 Definition, For Certain Purposes, of the Term "Officers", as Used in

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

Section 2.9 and Section 8.B.(6) of the Act  
 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend  
 to Work a Fraud or Deceit", "Inequitable Practice in the Sale of  
 Securities", and "Fraudulent Business Practices", as Used in Section  
 8 and Section 11 of the Act  
 Definition of the Terms "Fraudulent" and "Work or Tend to Work a  
 Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for  
 Purposes of the Payment of Completion Costs in Connection with the  
 Offer or Sale of Securities Involving an Oil, Gas or Other Mineral  
 Lease, Right or Royalty

## SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

Issuers of Covered Securities Required to File Notifications and Pay  
 Fees and the Refusal to File Notifications or Pay Fees  
 Automated Quotation System Deemed to Have Substantially Equivalent  
 Standards for Designation as Required By One or More Exchanges Set  
 Forth in Section 3(G) of the Act (Repealed)

## SUBPART D: EXEMPT TRANSACTIONS

Uniform Limited Offering Exemption Pursuant to Section 4.D of the  
 Act  
 Procedures for Applying for Trading Authorization Pursuant to  
 Section 4(F)(2) of the Act  
 Procedures for Filing Reports of Sale under Section 4.G of the Act  
 Calculation of Number of Persons Under Section 4.G or 4.M of the Act  
 Report of Sale of Securities pursuant to Section 4.G of the Act  
 Procedures for Filing Reports of Sale under Section 4.P of the Act  
 Report of Sale of Securities pursuant to Section 4(P) of the Act

## SUBPART E: REGISTRATION OF SECURITIES

Title of Securities  
 Financial Statement Requirements  
 Disclaimer of Control  
 Formal Requirements as to Consents  
 Consents Required in Special Cases  
 Application to Dispense with Consent  
 Consent to Use of Material Incorporated by Reference  
 Procedures for Registration of Securities by Coordination under  
 Section 5.A of the Act  
 Procedures for Registration of Securities by Qualification under  
 Section 5.B of the Act  
 Procedures for Registration of Securities by Qualification under

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## NOTICE OF ADOPTED AMENDMENTS

Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7  
 Renewal of Registration of Securities Under Section 5.E of the Act  
 130.530 Computation of Fees  
 130.531 Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act  
 130.532

130.533 Formal Requirements for Amendments Under Section 5 of the Act  
 130.534 Powers to Amend or Withdraw Registration Statement  
 130.535 Signatures of Amendments  
 130.536 Delaying Amendments  
 130.538

130.539 Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act  
 130.540 Procedure with Respect to Abandoning Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments  
 130.541

130.550 Additional Fees Under Section 5 of the Act  
 130.551 Legibility of Prospectuses  
 130.570 Presentation of Information in Prospectuses  
 130.571 Summaries or Outlines of Documents  
 130.572 Preparation of Application for Registration  
 130.573 Incorporation of Certain Information by Reference  
 130.574 Form of and Limited Upon Incorporation by Reference  
 130.575 Statement Required in Prospectuses  
 130.576 Prospectuses Supplementing Preliminary Material Supplied Previously  
 130.577 Application of Amendments to this Part Governing Contents of Prospectuses  
 130.578

130.581 Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act  
 130.582 Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act  
 130.590 Identifying Statements  
 130.591 Requirements as to Appraisals  
 130.592 Omission of Substantially Identical Documents  
 130.593 Incorporation of Exhibits by Reference

## SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section  
 130.600 Preamble  
 130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act  
 130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6.F of the Act  
 130.650 Additional Fees Under Section 6 of the Act

## SUBPART G: INVESTMENT FUND SHARES

Section

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

130.700 Preamble  
 130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act  
 130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act  
 130.715 Amendment Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act  
 130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act

130.750 Additional Fees Under Section 7 of the Act  
 130.771 Acts Which Work or Tend to Work a Fraud or Deceit\*, in Connection with Offers, Sales or Dispositions of Investment Fund Shares

## SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section  
 130.805 Exemptions From Registration as an Investment Adviser Under Section 8.A of the Act  
 130.806 Acts Not Requiring a Notification Filing of a Federal Covered Investment Adviser or Registration as an Investment Adviser or Investment Adviser Representative Under Section 8 of the Act

130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act  
 130.811 Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)  
 130.820 Procedure for Renewal and Withdrawal from Registration as a Dealer  
 130.821 Reporting of Dealer Branch Office Location(s) and Required Fees  
 130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer

130.823 Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements  
 130.824 Financial Statements to be Filed by a Registered Dealer  
 130.825 Records Required of Dealers and Customer Fees  
 130.826 Registered Dealer Net Capital Requirements  
 130.827 Confirmations  
 130.828 Notice of Materially Adverse Financial Condition Required to Be Filed with the Securities Department by a Registered Dealer

130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act  
 130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) of the Act for Registration as a Salesperson  
 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act  
 130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act



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130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act

130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees

130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D-(9) of the Act Prior to Registration as an Investment Adviser

130.843 Examination and Education Program Requirements for Registration the Act

130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements

130.845 Records Required of Investment Advisers

130.846 Written Disclosure Statements of a Registered Investment Adviser

130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose to Clients

130.850 Account Transactions

130.851 Commission, Profit or Other Compensation

130.852 Compensation

130.853 Account Transactions

130.854 Use of the Term "Investment Counsel"

130.860 Additional Fees Under Section 8 of the Act

130.872 Procedure with Respect to Abandoned Dealer Applications

130.873 Procedure with Respect to Abandoned Investment Adviser Applications

## SUBPART J: SERVICE OF PROCESS

Section

130.1001 Service of Process upon the Secretary of State

## SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section

130.1100 Preamble

130.1101 Qualifications and Duties of the Hearing Officer

130.1102 Notice of Hearing

130.1103 Institution of a Contested Case by the Securities Department

130.1104 Requirement to File an Answer

130.1105 Amendment or Withdrawal of the Notice of Hearing

130.1106 Representation

130.1107 Special Appearance

130.1108 Substitution of Parties

130.1109 Failure to Appear

130.1110 Motions

130.1111 Requirements Relating to Continuances

130.1112 Rules of Evidence

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

130.1113 Form of Papers

130.1114 Bill of Particulars (Repealed)

130.1115 Discovery

130.1116 Examination of Witnesses

130.1117 Subpoenas

130.1118 Pre-Hearing Conferences

130.1119 Record of a Pre-Hearing Conference

130.1120 Hearings

130.1121 Record of Proceedings

130.1122 Record of Hearing

130.1123 Orders

130.1124 Burden of Proof

130.1125 Stipulations

130.1126 Open Hearings

130.1127 Corrections to the Transcript

130.1128 Imposition of Fines

130.1129 Application for Hearing to Present Newly Discovered Evidence

130.1130 Failure to Comply with Order or Rules

130.1131 Application to Vacate an Order Issued Due to Default

130.1132 Disqualification of a Hearing Officer

## SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section

130.1520 Request for Non-Binding Statements

## SUBPART P: SAVINGS PROVISIONS

Section

130.1661 Investors Syndicate of America, Inc.

130.1662 State Bond and Mortgage Company

## SUBPART Q: PUBLIC INFORMATION

Section

130.1701 Inspection of Applications

130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records

130.1703 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 (815 ILCS 5).

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg. 17477, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984;

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; reclassified at 10 Ill. Reg. 19554, emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15822, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000.

## SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

### Section 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D-(9) of the Act Prior to Registration as an Investment Adviser

- a) Examination Requirements. Any person applying to be registered as an Investment Adviser principal under the Act shall provide the Secretary of State with proof of obtaining a passing score on one of the following examinations: ~~Examinations and Educational Programs:~~
- 1) The Uniform Investment Adviser Law Examination (Series 65 examination); or ~~the General Securities Representative Examination (Series 7-a or 2)-and the Uniform Limited-Investment Adviser Law Examination (Series 65)-or the Uniform Combined State Law Examination (Series 66)-conducted by the NASD-are deemed satisfactory for purposes of determining sufficient knowledge of each principal under Section 8.D-(9) of the Act; or~~ The General Securities Representative Examination (Series 7 examination) and the Uniform Combined State Law Examination (Series 66 examination). ~~The Series 65--Uniform-Limited-Investment Adviser Law Examination or the Uniform Combined--State Law--Examination--(Series--66)--conducted--by--the--NASD--and--the--Educational--Programs--as--set--forth--below--are--deemed--satisfactory--for--purposes--of--determining--sufficient--knowledge--of--each--principal--under--Section--8.D-(9)--of--the--Act;~~
  - 2)

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- A) Designation-of-Chartered-Financial-Analyst--(CFA)--by--the-Institute-of-Chartered-Financial-Analysts;
- B) Designation-of-Chartered-Investment-Counselor-(CIC)--granted-by-the-Investment-Counsel-Association-of-America-(ICAA);
- C) Certification-as-a-Chartered-Financial-Consultant-(ChFC)--by-the-American-College-at-Bryn-Mawr-Pennsylvania;
- D) Designation-of-Certified-Financial-Planner--(CFP)--by-the-Certified-Financial-Planners--Board-of-Standards-for-Financial-Planners--(CFPB);
- E) Designation-of-Certified-Investment-Management-Consultant-(CIMC)--by--the--Institute--for--Investment-Management-Consultants;
- F) Grandfathering:
  - 1) Any person who is registered as an investment adviser in any jurisdiction in the United States on May 1, 2000 shall not be required to satisfy the examination requirements for continued registration, except that the Secretary of State may require additional examinations for any person found to have violated any state or federal securities law.
  - 2) Any person who has not been registered in any jurisdiction for a period of two years shall be required to comply with the examination requirements of this Section.
- G) Waivers. The examination requirements shall not apply to any person who currently holds one of the following professional designations:
  - 1) Certified Financial Planner (CFP) awarded by the Certified Financial Planner Board of Standards, Inc.;
  - 2) Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, Pennsylvania;
  - 3) Personal Financial Specialist (PFS) awarded by the American Institute of Certified Public Accountants;
  - 4) Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts;
  - 5) Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.; or
  - 6) Such other professional designation as the Secretary of State may recognize by rule or by an order under 915 ILCS 5/8.
- H) Scheduling of the Series 7, or 65 or 66 examination shall be arranged by the applicant with and fees paid to an office of the NASD.
- I) The applicant shall submit in writing to the Securities Department satisfactory proof of passing such examination prior to registration as an investment adviser if such information is not available to the Securities Department through the CIB.
- J) No fee is due to the Securities Department.
- K) The applicant shall submit in writing to the Securities Department satisfactory proof of the designation or certification referred to in subsection (I) of this Section prior to registration as an investment adviser. No fee is due to the Securities Department.
- L) No person shall be deemed to have sufficient knowledge to act as principal of an investment adviser in this State unless and until he

SECRETARY OF STATE  
NOTICE OF ADOPTED AMENDMENTS

or she is 18 years of age in this State.

(Source: Amended at 24 Ill. Reg. 74 01 effective MAY - 1 2000 )

Section 130.843 Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act

- a) Examination Requirements. Any person applying to be registered as an Investment Adviser Representative under the Act shall provide the Secretary of State with proof of obtaining a passing score on one of the following examinations: the Series 65-Uniform-Invested-Investment Adviser Law Examination conducted by the NASD or the Series 66-Uniform Combined State Law Examination conducted by the NASD or the Series 66-Uniform Educational Programs as set forth below are deemed satisfactory for purposes of determining sufficient knowledge of each investment adviser representative under Section 8.D-5 of the Act:
  - 1) The Uniform Investment Adviser Examination (Series 65 examination) of Designation of Chartered Financial Analyst (CFA) by the Institute of Chartered Financial Analysts;
  - 2) The General Securities Examination (Series 7 examination) and the Uniform Combined State Law Examination (Series 66 examination); Designation of Chartered Investment Counselor (CIC) granted by the Investment Counsel Association of America (ICAA);
  - 3) Certification as a Chartered Financial Consultant (ChFC) by the American College at Bryn Mawr, Pennsylvania;
  - 4) Designation of Certified Financial Planner (CFP) by the Certified Financial Planners' Board of Standards for
  - 5) Designation of Certified Investment Management Consultant (CIME) by the Institute for Investment Management Consultants;

b) Grandfathering:

- 1) Any person who is registered as an investment adviser in any jurisdiction in the United States on May 1, 2000 shall not be required to satisfy the examination requirements for continued registration, except that the Secretary of State may require additional examinations for any person found to have violated any state or federal securities law.
  - 2) Any person who has not been registered in any jurisdiction for a period of two years shall be required to comply with the examination requirements of this Section.
- c) Waivers. The examination requirements shall not apply to any person who currently holds one of the following professional designations:
- 1) Certified Financial Planner (CFP) awarded by the Certified Financial Planner Board of Standards, Inc.;
  - 2) Chartered Financial Consultant (ChFC) awarded by the American College, Bryn Mawr, Pennsylvania;
  - 3) Personal Financial Specialist (PFS) awarded by the American

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- 4) Institute of Certified Public Accountants; Chartered Financial Analyst (CFA) awarded by the Institute of Chartered Financial Analysts;
- 5) Chartered Investment Counselor (CIC) awarded by the Investment Counsel Association of America, Inc.; or
- 6) Such other professional designation as the Secretary of State may recognize by rule or by an order under B15 ILCS 5/8.

- d) b) Scheduling of the Series 7, 65 or 66 examination shall be arranged by the applicant with and fees paid to an office of the NASD.
- e) The applicant shall submit in writing to the Securities Department as an investment adviser representative if such information is not available to the Securities Department through the CFP, satisfactory proof of the designation or certification referred to in subsection (c) of this Section prior to registration as an investment adviser representative. No fees are due to the Securities Department when this information is submitted.

(Source: Amended at 24 Ill. Reg. 74 01 effective MAY - 1 2000 )

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## NOTICE OF EMERGENCY AMENDMENTS

- 1) **Heading of the Part:** Program Content and Guidelines for Division of Specialized Care for Children.

- 2) **Code Citation:** 89 Ill. Adm. Code 1200

- 3) **Section Numbers:**  
     Emergency Action:  
     1200.30 Amendment  
     1200.50 Amendment

- 4) **Statutory Authority:** Implementing the Specialized Care for Children Act [110 ILCS 345] and authorized by the University of Illinois Act (110 ILCS 305).

- 5) **Effective Date of Amendment:** May 1, 2000

- 6) **If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:** Not applicable.

- 7) **Date filed in the Index department:** April 25, 2000

- 8) A copy of the emergency amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Reason for the Emergency: FY 2001 projected financial shortfalls necessitate mandated KidCare/Medicaid for eligible DSCC Applicant/Recipient Children as opposed to optional application. This program shift will allow DSCC to maximize and target its limited financial resources to provide gap-filling financial assistance to underinsured/uninsured Applicants and Recipients. Applicant/Recipient Children eligible for the Medicaid/KidCare program will be able access a broad range of health care benefits using federal money through the Illinois State Child Health Insurance Program.

- 10) A Complete Description of the Subjects and Issues Involved: Requires Legally Responsible Adults (LRAs) applying for DSCC Financial Assistance for an Applicant or Recipient Child who is potentially eligible for the Medicaid or KidCare Program to apply and enroll if eligible for the Medicaid or the KidCare Program.

- 11) Are there any proposed amendments to this Part pending: Proposed amendments will incorporate these emergency rules.

- 12) Statement of Statewide Policy Objectives: None

- 13) Information and questions regarding these amendments shall be directed to:

Charles N. Onufer, M.D.

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## NOTICE OF EMERGENCY AMENDMENTS

Director  
 Division of Specialized Care for Children  
 2815 West Washington, Suite 300  
 P.O. Box 19481  
 Springfield IL 62794-9481  
 (217) 793-2340 Fax: (217) 793-0773

The full text of the emergency amendments begins on the next page:

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## NOTICE OF EMERGENCY AMENDMENTS

CHAPTER X: THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS  
TITLE 89. SOCIAL SERVICES

PART 1200  
PROGRAM CONTENT AND GUIDELINES FOR DIVISION  
OF SPECIALIZED CARE FOR CHILDREN

Section	Purpose and Description
1200.10	Definitions
1200.20	Eligibility
1200.30	Eligibility - General
<u>EMERGENCY</u> 1200.40	Medical Eligibility
1200.50	Financial Eligibility
<u>EMERGENCY</u> 1200.60	Appeal Process
1200.70	Payment for Services
1200.80	Availability of Services
1200.90	Rates of Payment
1200.100	Standards for Health Care Professionals
1200.110	Standards for Health Care Facilities
1200.120	Records
1200.130	Reports

APPENDIX A Financial Eligibility Scale  
APPENDIX B Payment Scale (Repealed)

**AUTHORITY:** Implementing the Specialized Care for Children Act [110 ILCS 345] and authorized by Section 7 of the University of Illinois Act [110 ILCS 305/7].

**SOURCE:** Adopted at 11 Ill. Reg. 3508, effective February 10, 1987; amended at 13 Ill. Reg. 9283, effective June 6, 1989; amended at 14 Ill. Reg. 5136, effective March 22, 1990; amended at 17 Ill. Reg. 1137, effective March 8, 1993; emergency amendment at 17 Ill. Reg. 9735, effective July 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 2104, effective January 24, 1994; amended at 21 Ill. Reg. 17114, effective December 11, 1997; amended at 23 Ill. Reg. 14597, effective December 15, 1999; emergency amendment at 24 Ill. Reg. 7414, effective May 1, 2000, for a maximum of 150 days.

**Section 1200.30 Eligibility: General**

**EMERGENCY**

- a) Program Purpose  
The purpose of the Illinois Division of Specialized Care for Children is to provide Programmatic Assistance for Care Coordination Activities with children who are disabled as a result of congenital and/or acquired states or have a condition which may lead to disability. The objective is to provide a program of comprehensive evaluation, medical

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care and related habilitative services appropriate to their various needs and to financially support such care to the extent that their Legally Responsible Adults (LRAs) require such financial assistance as determined by the Financial Eligibility Criteria (Section 1200.50 of this Part). Recipient Children who are eligible only for Programmatic Assistance for Care Coordination Service will be served without regard to a financial means test. Due to financial limitations, DSCC will only provide assistance to children with certain categories of disabling conditions as defined in Section 1200.40 of this Part.

- b) Eligibility Criteria for Diagnostic Services  
Initial Diagnostic Services are provided without regard to ability to pay to the extent medically necessary applying usual and customary medical standards to determine whether the Applicant has one of the conditions enumerated in Section 1200.40, Medically Eligible Conditions. Whenever eligibility or ineligibility is established based upon an interview with the Applicant or the LRA, which occurs when a diagnosis has already been established, DSCC shall not be required to provide further initial medical Diagnostic Services.

- c) Eligibility Criteria for Other DSCC Services  
1) Programmatic Assistance for Care Coordination Activities  
To be eligible for Programmatic Assistance for Care Coordination Activities, an Applicant or Recipient Child must meet the following requirements:

- Be under 21 years of age;
- Be a Resident of Illinois;
- Have, or be suspected of having, a Medically Eligible Condition.

- 2) Care Coordination and Financial Assistance  
It is recognized that it is the duty and responsibility of the LRAs to pay for necessary health care services for their children. DSCC will assist the LRA with this responsibility by providing care coordination services and financial assistance, provided the LRAs are Residents of Illinois, and provided the Applicant or Recipient Child:

- Is under 21 years of age with the exception that DSCC shall provide services beyond the Recipient Child's 21st birthday when necessary to complete a treatment plan developed before that time if cessation of treatment would cause an immediate threat to or damage to the Recipient Child's life or good health or would negate gains resulting from previous rehabilitative efforts. In no event may the extension continue more than six months beyond the Recipient Child's 21st birthday;
- Is a Resident of Illinois;
- Has a Medically Eligible Condition and in addition:
  - The LRAs are lawfully admitted to the United States on a visa or permit which contemplates that the LRA will be entitled to permanently remain in the United States



## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

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- or has been admitted under color of law; or
- ii) The Applicant or Recipient Child is a United States citizen.
- D) Whenever payment for treatment services or financial assistance is desired, the LRA must:
- i) Meet the financial eligibility criteria set forth at Section 1200.50 of this Part;
  - ii) Make maximum use of third party payments, if any, including Medicaid and KidCare benefits as well as any other form of payment (such as trust funds, gifts, or fund raising drives) available for the Applicant or Recipient Child;
  - iii) Sign a Reimbursement Agreement, if the injuries for which treatment is sought were caused by any alleged negligent act (including products liability) whenever litigation is pending or contemplated.
- 3) Further, any attorney retained to represent the Recipient Child on any claim relating to the Recipient Child's medical condition for which DSCC will provide care must separately sign the Reimbursement Agreement. Failure to comply with this requirement will not, however, delay or hinder the application process.
- 4) When the LRAs are no longer Residents of Illinois, care coordination and financial assistance can be provided for as long as the following conditions are met not to exceed 12 months from the change of residency status:
- A) The Recipient Child remains a Resident of Illinois;
  - B) The Recipient Child's LRAs were residents of Illinois at the time the Recipient Child was registered with DSCC;
  - C) An active DSCC supported treatment plan for the Recipient Child's eligible condition was in progress at the time the LRAs lost residency status;
  - D) Discontinuation of treatment would result in probable harm to the Recipient Child or an adverse outcome of treatment; and
  - E) Legal action is in progress that will establish legal guardianship of the Recipient Child with a person or agency located in Illinois.
- d) Application Process: Initial and Continuing Eligibility
- 1) No person participating in or wishing to participate in the Division's programs shall be denied benefits of the program or shall be discriminated against on the basis of sex, religion, race, color, national origin or handicap not related to program eligibility.
  - 2) General responsibilities of Applicants, Recipient Children, and LRAs:
    - A) Applicants/Recipients and LRAs requesting assistance shall furnish requested factual information regarding eligibility and shall keep DSCC informed of any changes in financial

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

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- status (defined as any change in financial circumstances which would affect financial eligibility for DSCC benefits as set forth in Section 1200.50 including, but not limited to changes in family size and income).
- B) The application process requires consent by the LRAs to release or to verify medical data and financial information provided as a part of the application process.
- 3) An LRA shall complete and sign a written application on behalf of the Applicant on forms specified by DSCC. The Applicant shall comply with all relevant time deadlines with respect to filing of an application and appealing any adverse decision. An LRA may choose a person to assist in completing the application. A representative of a public agency must complete and sign the application for an Applicant in that agency's custody. A representative of a private agency may complete and sign the application for an Applicant if he/she is the authorized guardian for the Applicant.
- 4) A completed application must be submitted to DSCC within the following time periods:
- A) In all cases, a completed application for initial financial eligibility must be received by DSCC within 30 days from the date of services for which assistance is desired. Applications not received within the 30 day period shall be processed for reimbursement of treatment services provided no more than 30 days prior to the actual date of receipt. This time period shall be adjusted by DSCC for good cause if DSCC is notified of the circumstances within the 30 day time period (for purposes of this clause, "good cause" shall include, but shall not be limited to, a family emergency, demonstrated delays caused by the U.S. Postal Service, and demonstrated delays caused by the Internal Revenue Service in providing a copy of an income tax return).
  - B) Applications for continuing financial eligibility must be received by DSCC within the current period of eligibility. If an application is received after said eligibility time period, continuing eligibility shall recommence no more than 30 days prior to the date the application is actually received by DSCC.
- 5) If financial assistance is desired, the LRA shall complete and sign financial application on behalf of the Applicant on forms specified by DSCC, which shall be submitted within the time periods specified in Section 1200.30(d)(4).
- A) Such application shall include a copy of the LRA's most recent filed federal income tax return. If an LRA is not required to file with the Internal Revenue Service, verification of income must be submitted.
- B) DSCC shall accept other supporting documents from the LRA to verify level of income if DSCC determines that the documents



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provided prove the information sought and if the LRA has demonstrated diligence in attempting to obtain federal tax returns or pay stubs but has been unsuccessful in doing so.

- C) DSCC shall accept supporting documentation from the LRA that reflects financial eligibility for services being provided by or reimbursed by the Illinois Department of Public Aid (IDPA) or any other State agency using criteria the same as or more stringent than DSCC.

- 6) If financial assistance is not desired, no financial application is required. Applicants with a Medically Eligible Condition who either do not desire or do not qualify for DSCC financial assistance shall be eligible for Programmatic Assistance for Care Coordination Activities.

- 7) Determination of eligibility is performed at the regional offices. (See 2 Ill. Adm. Code 515-Appendix A.)

- A) The DSCC staff shall verify the information provided on behalf of the Applicant. This may include discussion, including an interview with the LRA, if the application is not complete. The interview shall be conducted at a place and time convenient to all parties.

- B) If supplemental information required by DSCC to determine eligibility is not provided within 30 days after the LRA receives notice of a requirement that the information is needed to complete this application, DSCC shall then advise the LRA that the application will be invalidated and not given further consideration unless the LRA was unable, due to causes beyond his/her control, to provide the information required.

- C) A written decision regarding eligibility shall be sent to the LRA and any referring Health Care Provider or Professional or referring agency within 30 days after receipt of the completed application unless the emergent nature of the Applicant's condition requires a decision in a more timely fashion.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. effective May 1, 2000, for a maximum of 150 days)

## Section 1200.50 Financial Eligibility

## EMERGENCY

- a) The LRA has an obligation to meet the cost of medical care for his/her Recipient Child to the extent they are able. Financial assistance, in the form described in Section 1200.90 of this Part, is provided to LRAs who are unable to meet such expenses from their own resources or other third party payers for which the child is eligible as established through a financial need determination performed pursuant to criteria established in subsections (c) and (d) of this Section.

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

## NOTICE OF EMERGENCY AMENDMENTS

- b) Exceptions to Financial Need Determination

- 1) DSCC provides Diagnostic Services necessary to determine medical eligibility without regard to the economic status of an Applicant's LRAs.

- 2) Financial information is not required from LRAs when:

- A) medical eligibility is uncertain;  
B) no expenditure of DSCC funds is anticipated;  
C) the Applicant or Recipient Child is a ward of the State or agency which is financially responsible for the Applicant or Recipient Child's medical care;

- D) An LRA without a third party payer fails to enroll, if eligible on behalf of the Applicant or Recipient Child for the Medicaid or KidCare Program. A current family Financial Eligibility Period for the Recipient Child will be reduced only if the financial eligibility and date exceeds December 31, 2000 due to the requirement that they must apply for the Medicaid or KidCare Program. Families potentially eligible for the Medicaid or KidCare Program will be notified at least 90 days prior to December 31, 2000, that they must make application and enroll in the Medicaid or KidCare Program if eligible to continue DSCC Financial Assistance.

- E) The Applicant or Recipient Child has been determined eligible for services being provided by or reimbursed by a State agency using criteria the same as, or more stringent than, DSCC. However, if the LRAs elect to provide financial information and complete the DSCC financial need process, they may do so and the period of eligibility established will be determined in accordance with subsection (c)(6) below.

- 3) Only Programmatic Assistance for Care Coordination Activities is requested.

- c) Criteria for Financial Assistance  
1) Financial eligibility is based upon the financial status of the LRA requesting financial assistance.

- 2) The Financial Eligibility Scale (Appendix A) represents 285% of the Federal Poverty Guidelines as developed by the Department of Health and Human Services as published in 64 FR 13428, effective March 18, 1999. No subsequent dates or editions are included. A family is placed on the scale according to its Total Family Income and family size.

- 3) Financial assistance is provided when the Total Family Income considering family size is equal to or less than that which is allowable in accordance with the Financial Eligibility Scale. The LRA and attorney must submit a Reimbursement Agreement, if applicable, as provided in Section 1200.30(c)(2)(D)(iii).

- 4) The LRA shall be determined ineligible for financial assistance from DSCC when:

- A) It is determined that the Total Family Income is in excess

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- of that which is allowable in accordance with Appendix A, the Financial Eligibility Scale.
- B) An LRA has failed within the time periods established in Section 1200.30(d) to provide sufficient information to determine eligibility. In such instances, eligibility shall commence up to 30 days prior to the date of receipt of a new application with information sufficient to establish eligibility.
- C) An LRA has failed within the time period established in Section 1200.30(d) to complete and sign the application (including the financial application), and the Reimbursement Agreement (Section 1200.30(c)(2)(D)(iii)), if applicable. In such instances, eligibility shall commence up to 30 days prior to the date of receipt of a newly signed application and/or Reimbursement Agreement.
- D) In addition, the LRAs shall lose their financial assistance if:
- i) Medical insurance payments or other forms of payment available or paid directly to the LRA to meet the cost of care for the Recipient Child have not been applied to the cost of care arranged, authorized, and paid by DSCC for that child. In such instances, the LRA may reapply for assistance upon repayment to DSCC of an amount equal to the medical insurance payments made available but not applied toward the Recipient Child's cost of care.
  - ii) An LRA fails to notify DSCC within 30 days of any change in the Recipient Child's medical insurance which results in medical coverage for costs which are currently paid for by DSCC.
  - iii) An LRA fails to submit a Reimbursement Agreement in accordance with Section 1200.30(c)(2)(D)(iii), if applicable.
  - iv) It is determined that the LRA has in any way falsified documents used to determine eligibility.
- 5) LRAs determined to be wholly or partially ineligible shall be advised of the right to appeal the determination in accordance with the procedures as set forth in Section 1200.60.
- 6) Period of Financial Eligibility
- A) Financial eligibility shall be established for a period of up to 24 months commencing no sooner than 30 days prior to the date a completed application is received by DSCC if applicants are able to provide current federal tax information. For purposes of this Section, current federal tax information shall be defined as the tax information for the calendar year prior to the year of application; or
  - B) Financial eligibility shall be established for a period of up to 12 months commencing no sooner than 30 days prior to

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

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- the date a completed application is received by DSCC under the following circumstances:
- i) Applicants/LRAs able to provide federal tax information not older than one year prior to the current federal tax information.
  - ii) Applicants/LRAs not required to file federal income tax forms as defined by the federal Internal Revenue Service. Income must be verified using two consecutive pay stubs that are within two months of application.
  - iii) Applicants/LRAs determined financially eligible on the basis of eligibility for services being provided by or reimbursed under the Hemophilia Care Act (410 ILCS 420).
- C) When more than one child in a family is eligible for financial assistance, the period of eligibility for all eligible children will be for the same period.
- D) Financial eligibility shall be redetermined subject to the date established at subsection (c)(6)(A) and (B) above. No current family financial eligibility period will be reduced due to changes in the Financial Eligibility Scale effective December 15, 1999, except as noted in subsections (c)(4)(E)(i) and (c)(6)(E)(i) and (iii). No redetermination of financial eligibility will be done for a minimum of one year for families with existing financial eligibility based on the prior Income Scale.
- E) The period of financial eligibility may be decreased under the following circumstances:
- i) The Recipient Child, at the time of financial evaluation, was a ward of an agency or court because adoption had not been finalized. DSCC eligibility shall terminate on the effective date of the finalization of the adoption.
  - ii) Supplemental information submitted pursuant to Section 1200.30(d)(2)(A) of this Part causes a change in financial eligibility.
  - iii) The Recipient Child loses DSCC General or Medical Eligibility. Eligibility for DSCC benefits shall terminate at the time that DSCC General or Medical Eligibility is determined to have been lost.
- F) In the event that an LRA submits information, at any time, which, upon verification by DSCC, establishes that the LRA is eligible for financial assistance at a level in excess of that previously approved by DSCC, a new period of eligibility shall begin on the date the information is received by DSCC, provided that the LRA has met all prior financial obligations to DSCC.
- d) Financial Determination Calculations

## BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

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## 1) Family Size

A) Family size shall be determined by the sum of the number of persons in each of the following categories when they share the same household. However, if a person falls into more than one category, that person shall be counted only once:

- i) The Applicant or Recipient Child;
- ii) The Applicant or Recipient Child's spouse;
- iii) An IRA and his/her spouse;
- iv) Other persons who, for Federal Income Tax purposes, are deemed dependents of the applying IRA.

2) The family's annual Total Income shall be the sum of all income of persons comprising the family unit, as determined above but excluding income of dependent children except income of the dependent Applicant or Recipient Child and his/her spouse. Total Income shall include all income as defined by the Internal Revenue Service for federal income tax reporting purposes.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 7414, effective May 1, 2000, for a maximum of 150 days)

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF CORRECTION TO NOTICE ONLY

1) Heading of the Part: Health Facilities Planning Procedural Rules

2) Code Citation: 77 Ill. Adm. Code 1130

3) The Notice of Adopted Amendments being corrected appeared at: 24 Ill. Reg. 6013, dated April 7, 2000

4) The information being corrected is as follows: Under 77 Ill. Adm. Code 1130.543, the Health Facilities Planning Board (State Board) created an exemption for health care facilities to acquire equipment (under certain circumstances) and obviate the need to receive a Certificate of Need (CON). When this rulemaking was proposed (23 Ill. Reg. 12957), one of the requirements for the exemption was that a health care facility demonstrate that the cost of the equipment being acquired not exceed \$4 million or 5% of the facility's operating revenue (whichever is less). During the public hearing on this rulemaking, individuals noted that the 5% requirement was too stringent when taking small and/or rural health care facilities into consideration. The State Board agreed with these comments and subsequently changed the 5% requirement to 10%. When the "Notice of Adopted Amendments" was published for this Part, the change from 5% to 10% was inadvertently omitted from the information given on the Notice Page.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
MAY 16, 2000

**NOTICES:** Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

*It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Banks and Real Estate

1. Land Sales Registration Act (68 Ill Adm Code 1260)  
-First Notice Published: 24 Ill Reg 385 - 1/14/00  
-Expiration of Second Notice: 6/3/00
2. Repeal of Land Sales Registration Act (68 Ill Adm Code 1260)  
-First Notice Published: 24 Ill Reg 383 - 1/14/00  
-Expiration of Second Notice: 6/8/00
3. Real Estate License Act (68 Ill Adm Code 1450)  
-First Notice Published: 24 Ill Reg 387 - 1/14/00  
-Expiration of Second Notice: 5/27/00
4. Repeal of Real Estate License Act (68 Ill Adm Code 1450)  
-First Notice Published: 24 Ill Reg 390 - 1/14/00  
-Expiration of Second Notice: 6/8/00
5. Real Estate Time Share Act (68 Ill Adm Code 1451)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
MAY 16, 2000

-First Notice Published: 24 Ill Reg 393 - 1/14/00  
-Expiration of Second Notice: 6/3/00

Central Management Services

6. Pay Plan (80 Ill Adm Code 310)  
-First Notice Published: 24 Ill Reg 2508 - 2/18/00  
-Expiration of Second Notice: 5/25/00

Children and Family Services

7. Day Care Information Line (89 Ill Adm Code 378)  
-First Notice Published: 24 Ill Reg 2050 - 2/14/00  
-Expiration of Second Notice: 6/8/00

Commerce and Community Affairs

8. Repeal of Review and Appeal Procedures (47 Ill Adm Code 10)  
-First Notice Published: 23 Ill Reg 10907 - 9/10/99  
-Expiration of Second Notice: 6/9/00
9. Administrative Hearing Rules (56 Ill Adm Code 2605)  
-First Notice Published: 23 Ill Reg 7328 - 7/2/99  
-Expiration of Second Notice: 6/9/00

Comptroller

10. Repeal of Purchasing (44 Ill Adm Code 1125)  
-First Notice Published: 23 Ill Reg 7696 - 7/9/99  
-Expiration of Second Notice: 6/8/00

Court of Claims

11. Court of Claims Regulations (74 Ill Adm Code 790)  
-First Notice Published: 24 Ill Reg 2536 - 2/18/00  
-Expiration of Second Notice: 5/18/00

Criminal Justice Information Authority

12. Operating Procedures for the Administration of Non-Federal Grant Funds (20 Ill Adm Code 1560)  
-First Notice Published: 24 Ill Reg 947 - 1/21/00  
-Expiration of Second Notice: 5/27/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
MAY 16, 2000

Drycleaner Environmental Response Trust Fund Council

13. Public Information (2 Ill Adm Code 3100)  
-First Notice Published: 24 Ill Reg 195 - 1/7/00  
-Expiration of Second Notice: 6/2/00
14. General Program (35 Ill Adm Code 1500)  
-First Notice Published: 24 Ill Reg 193 - 1/7/00  
-Expiration of Second Notice: 6/2/00

Education

15. Scientific Literacy (23 Ill Adm Code 220)  
-First Notice Published: 23 Ill Reg 14167 - 12/10/99  
-Expiration of Second Notice: 5/31/00

Human Services

16. Non-Academic Programs and Policies (89 Ill Adm Code 830)  
-First Notice Published: 24 Ill Reg 1443 - 1/28/00  
-Expiration of Second Notice: 6/8/00

Insurance

17. Admitted Assets (50 Ill Adm Code 945)  
-First Notice Published: 24 Ill Reg 2052 - 2/14/00  
-Expiration of Second Notice: 6/8/00

Natural Resources

18. The Taking of Wild Turkeys - Spring Season (17 Ill Adm Code 710)  
-First Notice Published: 24 Ill Reg 2577 - 2/18/00  
-Expiration of Second Notice: 5/19/00

Northeastern Illinois Planning Commission

19. Fees for Reviewing Applications to Change the Boundaries of a Wastewater Facility Planning Area (35 Ill Adm Code 399)  
-First Notice Published: 24 Ill Reg 2582 - 2/18/00  
-Expiration of Second Notice: 5/28/00

Nuclear Safety

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
MAY 16, 2000

20. Financial Assurance Requirements (32 Ill Adm Code 326)  
-First Notice Published: 24 Ill Reg 2054 - 2/14/00  
-Expiration of Second Notice: 5/27/00

21. Licensing of Radioactive Material (32 Ill Adm Code 330)  
-First Notice Published: 24 Ill Reg 2106 - 2/14/00  
-Expiration of Second Notice: 5/27/00

Professional Regulation

22. Medical Practice Act of 1987 (68 Ill Adm Code 1285)  
-First Notice Published: 24 Ill Reg 2185 - 2/14/00  
-Expiration of Second Notice: 5/25/00

23. Pharmacy Practice Act of 1987 (68 Ill Adm Code 1330)  
-First Notice Published: 23 Ill Reg 12344 - 10/8/99  
-Expiration of Second Notice: 6/4/00

Public Aid

24. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)  
-First Notice Published: 24 Ill Reg 2586 - 2/18/00  
-Expiration of Second Notice: 6/14/00

Public Health

25. Regionalized Perinatal Health Care Code (77 Ill Adm Code 640)  
-First Notice Published: 24 Ill Reg 2941 - 2/25/00  
-Expiration of Second Notice: 6/2/00

26. Illinois Swimming Pool and Bathing Beach Code (77 Ill Adm Code 820)  
-First Notice Published: 24 Ill Reg 2902 - 2/25/00  
-Expiration of Second Notice: 6/4/00

Revenue

27. Real Estate Transfer Tax (86 Ill Adm Code 120)  
-First Notice Published: 23 Ill Reg 14658 - 12/27/99  
-Expiration of Second Notice: 5/28/00
28. Service Occupation Tax (86 Ill Adm Code 140)  
-First Notice Published: 24 Ill Reg 3311 - 2/25/00  
-Expiration of Second Notice: 6/8/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
MAY 16, 2000

29. Use Tax (86 Ill Adm Code 150)
  - First Notice Published: 24 Ill Reg 3332 - 2/25/00
  - Expiration of Second Notice: 6/8/00
30. Service Use Tax (86 Ill Adm Code 160)
  - First Notice Published: 24 Ill Reg 3321 - 2/25/00
  - Expiration of Second Notice: 6/8/00
31. Home Rule County Retailers' Occupation Tax (86 Ill Adm Code 220)
  - First Notice Published: 24 Ill Reg 3108 - 2/25/00
  - Expiration of Second Notice: 6/8/00
32. Home Rule County Service Occupation Tax (86 Ill Adm Code 230)
  - First Notice Published: 24 Ill Reg 3111 - 2/25/00
  - Expiration of Second Notice: 6/8/00
33. Home Rule Municipal Retailers' Occupation Tax (86 Ill Adm Code 270)
  - First Notice Published: 24 Ill Reg 3114 - 2/25/00
  - Expiration of Second Notice: 6/8/00
34. Home Rule Municipal Service Occupation Tax (86 Ill Adm Code 280)
  - First Notice Published: 24 Ill Reg 3117 - 2/25/00
  - Expiration of Second Notice: 6/8/00
35. Home Rule Municipal Use Tax Imposed by Municipalities Having 2,000,000 or More Inhabitants (86 Ill Adm Code 295)
  - First Notice Published: 24 Ill Reg 3120 - 2/25/00
  - Expiration of Second Notice: 6/8/00
36. Alcoholic Liquor Act (86 Ill Adm Code 420)
  - First Notice Published: 24 Ill Reg 3083 - 2/25/00
  - Expiration of Second Notice: 6/8/00
37. Pull Tabs and Jar Games Act (86 Ill Adm Code 432)
  - First Notice Published: 24 Ill Reg 3123 - 2/25/00
  - Expiration of Second Notice: 6/8/00
38. Special County Retailers' Occupation Tax for Public Safety (86 Ill Adm Code 670)
  - First Notice Published: 24 Ill Reg 3326 - 2/25/00
  - Expiration of Second Notice: 6/8/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
MAY 16, 2000

39. Special County Service Occupation Tax for Public Safety (86 Ill Adm Code 680)
  - First Notice Published: 24 Ill Reg 3329 - 2/25/00
  - Expiration of Second Notice: 6/8/00
40. Voluntary Telefile Program (86 Ill Adm Code 770)
  - First Notice Published: 23 Ill Reg 1411 - 12/3/99
  - Expiration of Second Notice: 6/25/00
- State Police
41. Sex Offender Registration Act (20 Ill Adm Code 1280)
  - First Notice Published: 24 Ill Reg 2636 - 2/18/00
  - Expiration of Second Notice: 5/19/00
42. Child Sex Offender and Murderer Community Notification Law (20 Ill Adm Code 1282)
  - First Notice Published: 24 Ill Reg 2628 - 2/18/00
  - Expiration of Second Notice: 5/19/00
- State Toll Highway Authority
43. Repeal of Purchasing Practices and Procedures and General Provisions for the Purchase of Materials, Equipment and Services (44 Ill Adm Code 1200)
  - First Notice Published: 23 Ill Reg 13539 - 11/12/99
  - Expiration of Second Notice: 6/7/00
- Student Assistance Commission
44. General Provisions (23 Ill Adm Code 2700)
  - First Notice Published: 24 Ill Reg 1482 - 1/28/00
  - Expiration of Second Notice: 6/8/00
45. Federal Family Education Loan Program (FFELP) (23 Ill Adm Code 2720)
  - First Notice Published: 24 Ill Reg 1462 - 1/28/00
  - Expiration of Second Notice: 6/8/00
46. Illinois National Guard (ING) Grant Program (23 Ill Adm Code 2730)
  - First Notice Published: 24 Ill Reg 1509 - 1/28/00
  - Expiration of Second Notice: 6/8/00
47. Illinois Veteran Grant (IVG) Program (23 Ill Adm Code 2733)



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
MAY 16, 2000

- First Notice Published: 24 Ill Reg 1525 - 1/28/00  
-Expiration of Second Notice: 6/8/00
48. Monetary Award Program (MAP) (23 Ill Adm Code 2735)  
-First Notice Published: 24 Ill Reg 1543 - 1/28/00  
-Expiration of Second Notice: 6/8/00
49. Illinois Incentive for Access (IIA) Program (23 Ill Adm Code 2736)  
-First Notice Published: 24 Ill Reg 1505 - 1/28/00  
-Expiration of Second Notice: 6/8/00
50. Robert C. Byrd Honors Scholarship Program (23 Ill Adm Code 2755)  
-First Notice Published: 24 Ill Reg 1554 - 1/28/00  
-Expiration of Second Notice: 6/8/00
51. State Scholar Program (23 Ill Adm Code 2760)  
-First Notice Published: 24 Ill Reg 1560 - 1/28/00  
-Expiration of Second Notice: 6/8/00
52. Merit Recognition Scholarship (MRS) Program (23 Ill Adm Code 2761)  
-First Notice Published: 24 Ill Reg 1532 - 1/28/00  
-Expiration of Second Notice: 6/8/00
53. Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill Adm Code 2763)  
-First Notice Published: 24 Ill Reg 1537 - 1/28/00  
-Expiration of Second Notice: 6/8/00
54. David A. Debolt Teacher Shortage Scholarship (DTSS) Program (23 Ill Adm Code 2764)  
-First Notice Published: 24 Ill Reg 1456 - 1/28/00  
-Expiration of Second Notice: 6/8/00
55. Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 Ill Adm Code 2765)  
-First Notice Published: 24 Ill Reg 1518 - 1/28/00  
-Expiration of Second Notice: 6/8/00
56. College Savings Bond Bonus Incentive Grant (BIG) Program (23 Ill Adm Code 2771)  
-First Notice Published: 24 Ill Reg 1451 - 1/28/00  
-Expiration of Second Notice: 6/8/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
MAY 16, 2000

57. Illinois Prepaid Tuition Program (23 Ill Adm Code 2775)  
-First Notice Published: 24 Ill Reg 1513 - 1/28/00  
-Expiration of Second Notice: 6/8/00
- Treasurer
58. Capital Crimes Litigation Trust Fund (74 Ill Adm Code 725)  
-First Notice Published: 24 Ill Reg 221 - 1/7/00  
-Expiration of Second Notice: 5/20/00
59. Procurement (44 Ill Adm Code 1400)  
-First Notice Published: 24 Ill Reg 223 - 1/7/00  
-Expiration of Second Notice: 5/20/00
- EMERGENCY AND PEREMPTORY RULEMAKINGS**
- Agriculture
60. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)  
-Notice Published: 24 Ill Reg 6734 - 4/28/00
- Children and Family Services
61. Placement and Visitation Services (89 Ill Adm Code 301) (Emergency)  
-Notice Published: 24 Ill Reg 6427 - 4/14/00
62. Licensing Standards for Foster Family Homes (89 Ill Adm Code 402) (Emergency)  
-Notice Published: 24 Ill Reg 6417 - 4/14/00
- Commerce and Community Affairs
63. Illinois Promotion Act Programs (14 Ill Adm Code 510) (Emergency)  
-Notice Published: 24 Ill Reg 6718 - 4/28/00
- Education
64. Public Schools Evaluation, Recognition and Supervision (23 Ill Adm Code 1) (Emergency)  
-Notice Published: 24 Ill Reg 6111 - 4/7/00
- Human Services

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
MAY 16, 2000

65. Child Care (89 Ill Adm Code 50) (Emergency)  
-Notice Published: 24 Ill Reg 6604 - 4/21/00
66. Related Program Provisions (89 Ill Adm Code 117) (Emergency)  
-Notice Published: 24 Ill Reg 6723 - 4/28/00
67. Developmental Disabilities Services (89 Ill Adm Code 144) (Emergency)  
-Notice Published: 24 Ill Reg 6431 - 4/14/00
68. Services (89 Ill Adm Code 590) (Emergency)  
-Notice Published: 24 Ill Reg 6728 - 4/28/00
- Treasurer
69. College Savings Pool (23 Ill Adm Code 2500) (Emergency)  
-Notice Published: 24 Ill Reg 6118 - 4/7/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 25, 2000 through May 1, 2000 and have been scheduled for review by the Committee at its May 16, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
6/8/00	Office of Banks and Real Estate, Repeal of Real Estate License Act (68 Ill Adm Code 1450)	1/14/00 24 Ill Reg 390	5/16/00
6/8/00	Office of Banks and Real Estate, Repeal of Land Sales Registration Act (68 Ill Adm Code 1260)	1/14/00 24 Ill Reg 383	5/16/00
6/8/00	Department of Human Services, Non-Academic Programs and Policies (89 Ill Adm Code 830)	1/28/00 24 Ill Reg 1443	5/16/00
6/8/00	Department of Insurance, Admitted Assets (50 Ill Adm Code 945)	2/14/00 24 Ill Reg 2052	5/16/00
6/8/00	Department of Revenue, Occupation Tax (86 Ill Adm Code 140)	2/25/00 24 Ill Reg 3311	5/16/00
6/8/00	Department of Revenue, Use Tax (86 Ill Adm Code 150)	2/25/00 24 Ill Reg 3332	5/16/00
6/8/00	Department of Revenue, Service Use Tax (86 Ill Adm Code 160)	2/25/00 24 Ill Reg 3321	5/16/00
6/8/00	Department of Revenue, Home Rule County Retailers' Occupation Tax (86 Ill Adm Code 220)	2/25/00 24 Ill Reg 3108	5/16/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

6/8/00	Department of Revenue, Home Rule County Service Occupation Tax (86 Ill Adm Code 230)	2/25/00 24 Ill Reg 3111	5/16/00
6/8/00	Department of Revenue, Home Rule Municipal Retailers' Occupation Tax (86 Ill Adm Code 270)	2/25/00 24 Ill Reg 3114	5/16/00
6/8/00	Department of Revenue, Home Rule Municipal Service Occupation Tax (86 Ill Adm Code 280)	2/25/00 24 Ill Reg 3117	5/16/00
6/8/00	Department of Revenue, Home Rule Municipal Use Tax Imposed by Municipalities Having 2,000,000 or More Inhabitants (86 Ill Adm Code 295)	2/25/00 24 Ill Reg 3120	5/16/00
6/8/00	Department of Revenue, Alcoholic Liquor Act (86 Ill Adm Code 420)	2/25/00 24 Ill Reg 3083	5/16/00
6/8/00	Department of Revenue, Pull Tabs and Jar Games Act (86 Ill Adm Code 432)	2/25/00 24 Ill Reg 3123	5/16/00
6/8/00	Department of Revenue, Special County Retailers' Occupation Tax for Public Safety (86 Ill Adm Code 670)	2/25/00 24 Ill Reg 3326	5/16/00
6/8/00	Department of Revenue, Special County Service Occupation Tax for Public Safety (86 Ill Adm Code 680)	2/25/00 24 Ill Reg 3329	5/16/00
6/8/00	Illinois Student Assistance Commission, General Provisions (23 Ill Adm Code 2700)	1/28/00 24 Ill Reg 1482	5/16/00
6/8/00	Illinois Student Assistance Commission, Federal Family Education Loan Program (FFELP) (23 Ill Adm Code 2720)	1/28/00 24 Ill Reg 1462	5/16/00
6/8/00	Illinois Student Assistance Commission, Illinois National Guard (ING) Grant Program (23 Ill Adm Code 2730)	1/28/00 24 Ill Reg 1509	5/16/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

6/8/00	Illinois Student Assistance Commission, Illinois Veteran Grant (IVG) Program (23 Ill Adm Code 2733)	1/28/00 24 Ill Reg 1525	5/16/00
6/8/00	Illinois Student Assistance Commission, Monetary Award Program (MAP) (23 Ill Adm Code 2735)	1/28/00 24 Ill Reg 1543	5/16/00
6/8/00	Illinois Student Assistance Commission, Illinois Incentive for Access (IIA) Program (23 Ill Adm Code 2736)	1/28/00 24 Ill Reg 1505	5/16/00
6/8/00	Illinois Student Assistance Commission, Robert C. Byrd Honors Scholarship Program (23 Ill Adm Code 2755)	1/28/00 24 Ill Reg 1554	5/16/00
6/8/00	Illinois Student Assistance Commission, State Scholar Program (23 Ill Adm Code 2760)	1/28/00 24 Ill Reg 1560	5/16/00
6/8/00	Illinois Student Assistance Commission, Merit Recognition Scholarship (MRS) Program (23 Ill Adm Code 2761)	1/28/00 24 Ill Reg 1532	5/16/00
6/8/00	Illinois Student Assistance Commission, Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill Adm Code 2763)	1/28/00 24 Ill Reg 1537	5/16/00
6/8/00	Illinois Student Assistance Commission, David A. DeBolt Teacher Shortage Scholarship (DTSS) Program (23 Ill Adm Code 2764)	1/28/00 24 Ill Reg 1456	5/16/00
6/8/00	Illinois Student Assistance Commission, Illinois Special Education Teacher Tuition Waiver (SEPTW) Program (23 Ill Adm Code 2765)	1/28/00 24 Ill Reg 1518	5/16/00
6/8/00	Illinois Student Assistance Commission, College Savings Bond Bonus Incentive Grant (BIG) program (23 Ill Adm Code 2771)	1/28/00 24 Ill Reg 1451	5/16/00

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

6/8/00	Illinois Student Assistance Commission, Illinois Prepaid Tuition Program (23 Ill Adm Code 2775)	1/28/00 24 Ill Reg 1513	5/16/00
6/8/00	Department of Children and Family Services, Day Care Information Line (89 Ill Adm Code 378)	2/14/00 24 Ill Reg 2050	5/16/00
6/8/00	Office of the Comptroller, Repeal of Purchasing (44 Ill Adm Code 1125)	7/9/99 23 Ill Reg 7696	5/16/00
6/9/00	Department of Commerce and Community Affairs, Administrative Hearing Rules (56 Ill Adm Code 2605)	7/2/99 23 Ill Reg 7328	5/16/00
6/9/00	Department of Commerce and Community Affairs, Repeal of Review and Appeal Procedures (47 Ill Adm Code 10)	9/10/99 23 Ill Reg 10907	5/16/00

## 2000-4

EXECUTIVE ORDER CREATING  
THE GOVERNOR'S COMMISSION ON CAPITAL PUNISHMENT

WHEREAS, I am charged with the constitutional responsibility for the faithful execution of the laws of this great State and I have supported laws and programs to assist the police, prosecutors and the courts in fairly enforcing those laws; and

WHEREAS, I have been a strong proponent of strict criminal penalties, victim rights and the protection of all the people of Illinois; and

WHEREAS, the dual aim of our criminal justice system and the rule of law is to ensure that the guilty shall not escape or the innocent suffer; and

WHEREAS, the death penalty is a legal form of punishment supported by the citizenry and I have long supported the imposition of such punishment as a proper societal response for the most vicious and heinous of crimes; and

WHEREAS, since the reestablishment of the death penalty in Illinois in 1977, there have been persistent problems in the administration of the death penalty as illustrated by the thirteen individuals on death row who have had their death sentences and convictions vacated by the courts; and

WHEREAS, the number of death sentences and criminal convictions being vacated or overturned has raised serious concerns with respect to the process by which the death penalty is imposed; and

WHEREAS, based on this experience, we should conduct a thorough review of the death penalty process because the ultimate outcome is irreversible; and

WHEREAS, the people of the State of Illinois must have full and complete confidence that when the death penalty is imposed and final appeals of that sentence are completed, the guilt of the defendant has been justly, fairly, thoroughly and accurately established; and

WHEREAS, in discharging my constitutional obligations with respect to the death penalty, I have the awesome responsibility, and last opportunity, to review a death penalty case before the sentence is carried out to ensure the fairness of the adjudicative process, the factual guilt of the defendant and the appropriateness of the sentence;

THEREFORE, I, George H. Ryan, order the following:

## I. CREATION

There shall be established the Governor's Commission on Capital Punishment.

## II. PURPOSE

The duties of the Commission shall be:

A. To study and review the administration of the capital punishment process in Illinois to determine why that process has failed in the past, resulting in the imposition of death sentences upon innocent people.

B. To examine ways of providing safeguards and making improvements in the way law enforcement and the criminal justice system carry out their

responsibilities in the death penalty process-- from investigation through trial, judicial appeal and executive review.

C. To consider, among other things, the ultimate findings and final recommendations of the House Death Penalty Task Force and the Special Supreme Court Committee on Capital Cases and determine the effect these recommendations may have on the capital punishment process.

D. To make any recommendations and proposals designed to further ensure the application and administration of the death penalty in Illinois is just, fair and accurate.

### III. MEMBERSHIP

A. The Commission shall consist of a Chairperson, two Co-Chairpersons and 11 additional members, including an Executive Director, all appointed by the Governor.

B. Members shall serve without compensation, but may be reimbursed for expenses.

C. The Commission shall be provided assistance and necessary staff support services by the Office of the Governor and the agencies of state government involved in the issues to be addressed by it.

### IV. REPORT

The Commission, upon concluding its examination and analysis of the capital punishment process, shall submit to the Governor a written report detailing its findings and providing comprehensive advice and recommendations to the Governor that will further ensure the administration of capital punishment in the State of Illinois will be fair and accurate.

### V. EFFECT AND EFFECTIVE DATE

This Executive Order is not intended to, does not, and may not be relied upon to create, expand or abridge any privileges, benefits, remedies, immunities or rights, substantive or procedural, in any matter administrative, civil or criminal. This Order may not be used as evidence, findings or otherwise in any future or pending matter relating to capital litigation. No limitations are hereby placed on the lawful investigative and prosecutorial prerogatives of any office of government (State, county or local).

This Executive Order Number 4 (2000) shall be effective upon filing with the Secretary of State.  
Issued by the Governor March 10, 2000.  
Filed with the Secretary of State March 10, 2000.

2000-5

**Executive Order Establishing the Administration of Credits in**

### Regard to Payments of Illinois Privilege Tax, 215 ILCS 5/409, and the Illinois Retailatory Tax, 215 ILCS 5/444, for 1997 and Earlier

WHEREAS, prior to 1998, the Illinois Department of Insurance taxed domestic, foreign, and alien insurers doing business in Illinois in accordance with the requirements of the Illinois Insurance Code, which imposed several taxes, fees, and assessments on such insurers including the Privilege Tax, 215 ILCS 5/409, and the Retailatory Tax, 215 ILCS 5/444;

WHEREAS, a number of claims have been asserted against the State by foreign and alien insurers regarding the imposition of the Privilege Tax and the Retailatory Tax for the period before 1998;

WHEREAS, approximately 150 foreign and alien insurers made certain tax payments under protest to the Department of Insurance for the 1993 to 1997 tax years in accordance with the Protest Fund Act, 30 ILCS 230/1, and approximately \$107 million so paid remains in the Protest Fund;

WHEREAS, prior to 1998, the Privilege Tax was assessed at the rate of 2% of the insurer's Illinois net taxable premium written, with the tax being reduced by credits for the payment of Illinois income tax, personal property replacement tax, and other taxes, fees, and assessments. Illinois domestic insurers could avoid liability for the Privilege Tax by, *inter alia*, maintaining their principal place of business in the State;

WHEREAS, during the period in dispute, foreign insurers were subject to the Retailatory Tax which required foreign insurers to pay fees, charges, and taxes in Illinois at the rate those foreign insurers' home States imposed such fees, charges, and taxes upon Illinois domestic insurers doing business in their States;

WHEREAS, during the period prior to 1998, the foreign insurers' Retailatory Tax liability was reduced by credits for the Privilege Tax paid;

WHEREAS, protesting foreign insurers filed litigation in the Circuit Court of Cook County, Illinois, against the Director of the Department of Insurance and the Treasurer of the State of Illinois, contesting their liability for such taxes;

WHEREAS, the Protest Fund lawsuits filed by these foreign insurers were consolidated for decision in a single proceeding styled: *Milwaukee Safeguard Insurance Co., et al. v. Seickel, Circuit Court of Cook County, Illinois, County Department, Tax and Miscellaneous Remedies Division*, Nos. 93 L 50663-50665, 50668, 50674, 50698, 50699-50971-50977, 50988, 50997-51001, 51038-5042, 51057, 51066, 51371, 51373, 51374, and 51377, 93 CH 9266-9269, 94 L 419, 50629, and 50915, 94 L 50874, and 50875, 96 L 51106, 51107, 51124, 55125, and 51141, 97 L 50032-0037, and 50468, and 98 L 50012 (Consolidated);

WHEREAS, the Complaints filed by the protesting insurers alleged in Count I that the Privilege Tax as applied to them during 1993-1997 violated the Equal Protection Clauses of the United States and Illinois Constitutions and the Uniformity Clause of the Illinois Constitution;

II that it would violate the Equal Protection Clauses of the United States and Illinois Constitutions and the Uniformity Clause of the Illinois Constitution, for the Director and the Treasurer to apply the Retailatory Tax for the 1993 through 1997 tax years to the protested payments to the extent that such protesting insurers' home States taxed Illinois insurers at or below Illinois 2% Privilege Tax rate for these years;

WHEREAS, on August 9, 1996, Hon. Randy A. Kogan issued a Memorandum and Decision and on September 6, 1996, entered an Order in *Milwaukee Safeguard* ruling, on Count I of the Complaints, that the Privilege Tax imposed on the protesting foreign insurers violated the Equal Protection Clauses of the United States and Illinois Constitutions and the Uniformity Clause of the Illinois Constitution;

WHEREAS, an appeal was taken from Judge Kogan's ruling to the Supreme Court of Illinois. The Supreme Court issued its Opinion on October 23, 1997, holding that the Privilege Tax imposed upon the protesting insurers violated the Uniformity Clause of the Illinois Constitution, *Milwaukee Safeguard Ins. Co., et al. v. SeLcke, Director of Insurance*, 179 Ill. 2d 94 (1997);

WHEREAS, the Supreme Court did not address the issue whether its holding was to be applied prospectively or retroactively, and did not address the issue of remedy if the holding were to be applied retroactively to the protesting insurers;

WHEREAS, the Supreme Court remanded to the Circuit Court of Cook County for further proceedings, which requires a decision on the issue of prospective or retroactive application, and a decision on a remedy if the Supreme Court's holding is to be applied retroactively;

WHEREAS, upon remand, the cases were assigned to Hon. Alexander P. White, who, on June 15, 1999, issued a Memorandum Decision and Judgment ruling that applying the Retaliatory Tax to the payments made by the protesting insurers for the period 1993 through 1997, in lieu of the Privilege Tax, would violate the Equal Protection Clauses of the United States and Illinois Constitutions and the Uniformity Clause of the Illinois Constitution;

WHEREAS, the Director moved the Circuit Court of Cook County to reconsider its decision of June 15, 1999, which motion is pending, and thereafter requested that the Circuit Court defer ruling on this Motion to Reconsider, vacate its decision of June 15, 1999, and address and adjudicate, including a trial on the merits, the retroactivity and remedy issues described above;

WHEREAS, if the Supreme Court's *Milwaukee Safeguard* holding regarding the constitutionality of the Privilege Tax is applied retroactively, Illinois domestic insurers doing business in other States will incur discriminatory treatment, because in most instances they will be unable to recover Retaliatory Tax credits or refunds to which they are legally entitled because of the tax rules or statutes of limitation of such States;

WHEREAS, numerous foreign and alien insurers, including some plaintiffs in *Milwaukee Safeguard*, have requested that the Director refund Privilege Tax and Retaliatory Tax payments made beginning in 1991, but which were not paid under Protest in accordance with the Protest Fund Act. As appropriate, the Chief Counsel of the Department of Insurance has notified foreign insurers who have sought such refunds that the Director does not have authority under 215 ICIS 5/412 to consider their requests. Some of those insurers have filed suit against the Director in the Circuit Courts of Sangamon County and Cook County under the Administrative Review Act, 735 ICIS 5/3-101, et seq.;

WHEREAS, in 1998, the Illinois General Assembly enacted a comprehensive new scheme of insurance taxes (P.A. 90-583) which, inter alia, repealed the former Privilege Tax and enacted a new residence neutral Privilege Tax, repealed the Life Insurance Valuation Fee imposed on Illinois domestic life insurers, 215 ICIS 5/408.1, and amended Retaliatory Tax providing, in detail, which Illinois taxes are to be included in the calculation of an insurer's Retaliatory Tax for 1997 and later years. The legislation did not address the

matters with respect to payment of the Privilege Tax and Retaliatory Tax for tax years prior to 1997;

WHEREAS, it is the policy of the Executive Branch of the Illinois Government to administer the Privilege Tax and the Retaliatory Tax without discriminating against foreign or domestic insurers in a manner which would violate the Equal Protection Clauses of the United States and Illinois Constitutions and the Uniformity Clause of the Illinois Constitution; and WHEREAS, the resolution of the issues involved in the cases pending before the Circuit Courts of Cook County and Sangamon County, and existing and future administrative proceedings pending before the Illinois Director of Insurance, will be facilitated by the promulgation of comprehensive procedural rules made necessary by the *Milwaukee Safeguard* decision of the Supreme Court.

NOW, THEREFORE, I, George H. Ryan, Governor of Illinois, order the following:

1. An inter-departmental Task Force, with public members, appointed by, and reporting to, the Governor, has been constituted to consider and evaluate the matters set forth in the foregoing recitals, which are incorporated herein by this reference. After gathering such factual information as is necessary to make a reasoned and informed decision, the Task Force shall propose to the Governor a remedy and a procedure for administering that remedy. The implementation of any recommended remedy and procedure is conditioned upon a final decision by the Supreme Court that the holding in *Milwaukee Safeguard* regarding the constitutionality of the Privilege Tax is to be applied retroactively to the Privilege Tax payments of the plaintiff insurers.

2. The Task Force shall develop and recommend to the Governor a procedure consistent with the U.S. Supreme Court decision of *McKesson v. Division of Alcoholic Beverages*, 496 U.S. 18 (1990), and its progeny, as well as applicable authority in Illinois, to remedy the discriminatory imposition of the Privilege Tax on foreign insurers doing business in Illinois. The evaluation of any remedy should include an analysis of the effect such remedy will have on the taxation of Illinois domestic insurers, including taxation under other States' retaliatory taxes. The remedies to be evaluated shall include, without limitation, reducing the effective tax rate applied to such foreign companies; increasing the rate applied to the domestic companies to equal that applied to foreign companies; or a combination of both.

3. In evaluating the appropriate remedy, the Task Force shall determine what Illinois domestic insurers have paid in taxes, fees and assessments, expressed as a percentage of net taxable premium for underwriting Illinois risks, in the years indicated, as follows:

Year	Property & Casualty Insurers (including fidelity and mortgage guarantee)	Life & Health Insurers
1993		
1994		
1995		
1996		



1997

The foregoing data shall be used by the Task Force, on a year-by-year, individual-insurer basis, to quantify the discrimination, if any, in taxation of each individual insurer.

4. Until there is a final judicial decision by the Supreme Court on whether the unconstitutionality of the Illinois Privilege Tax is to be applied prospectively or retroactively, the Director shall not:

- (a) administratively grant, allow or approve any amended Privilege or Retaliatory Tax returns, or
- (b) grant any credit or make any refund of such taxes

for any period pre-dating the 1998 tax year to the extent the basis of such amended return or claim for credit or refund, is the Illinois Supreme Court's decision in *Milwaukee Sareguard*.

5. Except as otherwise required by court order, the Director shall follow the rules specified in paragraph 4 incident to any Protest Fund Act litigation.

6. The Director shall require any insurer seeking a refund of a payment made for 1997 or prior tax years of Privilege Tax or Retaliatory Tax to establish that it has borne the economic burden of such taxes, and has not passed such burdens on to its policyholders directly or indirectly by including such Privilege and Retaliatory Taxes in its premium rates or by reducing policy dividends; provided, however, that nothing herein shall prohibit the Director from issuing credits or refunds as, in his discretion, he deems appropriate when an overpayment has been made because of some mistake of fact, error in calculation, or erroneous interpretation of a statute of this or any other State, as allowed under 215 ILCS 5/412.

7. In determining whether a claimant has borne the economic burden of the tax, pursuant to paragraph 6 the following shall be taken into account for each line of insurance underwritten by the claimant in Illinois:

- (i) any direct billing of the Privilege Tax to policyholders;
- (ii) documents which show whether the Privilege Tax or Retaliatory Tax was included<sup>6</sup> in establishing premium rates;
- (iii) legal or actuarial requirements that Privilege and Retaliatory Taxes be included in rate bases; and
- (iv) rate filings in any State.  
Such taxes will not be deemed passed on in proportion that the combined loss ratio on any line of insurance exceeds 100% for a tax year; provided, however, that

this exception shall not apply if the policyholder was directly billed for Illinois Privilege Taxes.

8. The Illinois Director of Insurance shall, in all instances wherein he is required by law to redetermine the Illinois Privilege and Retaliatory Tax obligations of an insurer for any tax period prior to 1997, consider only the following Illinois taxes, fees, and assessments when calculating the insurer's Retaliatory Tax:

- 1) Annual Statement Filing Fee paid;
- 2) Certificate of Authority Fee paid;
- 3) Financial Regulation Fee paid;
- 4) Policy Form Filing Fee paid;
- 5) The amount of Illinois Corporate Income and Personal Property Replacement Tax paid;
- 6) The amount of Fire Department tax paid;
- 7) State Fire Marshal tax paid;
- 8) Guaranty Association tax offset allowed for an individual company pursuant to Section 531.13 of the Code [215 ILCS 5/531.13];
- 9) The amount paid as a fee for valuation of life insurance policies; and
- 10) Other fees paid per Section 408 of the Code [215 ILCS 5/408].

9. When comparing such taxes, fees and assessments imposed by Illinois to those imposed on the business of insurance for like purposes by the taxpayer's State of domicile, the Director shall consider the taxes, fees and assessments actually paid to such foreign jurisdiction during the time period concerned.

10. The Director shall conduct a survey and undertake such other investigation, as the Task Force deems necessary, to ascertain the effects of:

- (a) the Supreme Court's holding that the Illinois Privilege Tax is unconstitutional will have on the Retaliatory Tax burdens of Illinois domestic insurers doing business in other States; and
- (b) the decision of the Circuit Court of Cook County holding the Illinois Retaliatory Tax unconstitutional will have on the relative

tax burdens during 1993 through 1997 of foreign and alien insurers compared to Illinois domestic insurers.

Such survey shall determine discriminatory and adverse effects on Illinois insurers so as to determine, among other things, if remedial legislation or administrative action by the Director is required.

\* \* \*

This Executive Order Number 5 (2000) shall be effective upon filing with the Secretary of State.

Issued by the Governor April 11, 2000.

Filed with the Secretary of State April 11, 2000.

# PROCLAMATIONS

2000-202 (REVISED)

GEORGE M. IRWIN DAY

WHEREAS, George M. Irwin's distinguished career, that includes founder and former music director of Quincy Chamber Music Ensemble, founder and former conductor of Quincy Choral Society, founder and former co-conductor of Quincy Civic band, founder and former conductor of Quincy Symphony Orchestra, has advanced the state's cultural landscape; and

WHEREAS, Mr. Irwin was founder and first president of the Quincy Society of Fine Arts, a community arts council and the first arts council in the United States; and

WHEREAS, George M. Irwin was organizer and first chairman of the Illinois Arts Council, a State agency; and

WHEREAS, George Irwin was founder, former president and chairman of the American Council for the Arts; and

WHEREAS, Mr. Irwin's many varied contributions at the local, State and national levels have brought him numerous awards and honors including a 1978 Governor's Award for the Arts and the Distinguished Service Award for Support of the Arts from the National Governor's Association; and

WHEREAS, George M. Irwin's lifetime commitment to the creation, presentation and preservation of the arts and humanities has played a vital role in bringing joy to and enriching the lives of the citizens of the great State of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28, 2000, as GEORGE M. IRWIN DAY in Illinois.

Issued by the Governor April 6, 2000.

Filed by the Secretary of State April 20, 2000.

2000-216 (REVISED)

ARMENIAN MARTYRS DAY

WHEREAS, 85 years ago Armenians were forced to witness the genocide of their relatives and the loss of their ancestral homelands; and

WHEREAS, the extermination of 1.5 million Armenians and the forced deportation of countless others between the years of 1915 and 1923 are recognized each year; and

WHEREAS, the Armenians continue to be a people full of hope, working side-by-side for the future of Armenia. Through their faith and pride in their heritage, the Armenians remain a strong and courageous people working toward rebuilding a firm foundation for Armenia; and

WHEREAS, Armenian-Americans have been forthright in their efforts to preserve their culture, heritage and language; and

WHEREAS, the Armenian-American community has made significant contributions in all areas of life including education, medicine, science, business, arts, government and public service in Illinois; and

WHEREAS, the Armenian community is commemorating the 85th Anniversary of the Armenian Genocide;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 24, 2000, as ARMENIAN MARTYRS DAY in Illinois in remembrance of the 85th Anniversary of the Armenian Genocide.

Issued by the Governor April 17, 2000.

Filed by the Secretary of State April 20, 2000.

#### 2000-219

##### ALS AWARENESS MONTH

WHEREAS, one of the best ways to help fight ALS "Lou Gehrig's Disease" is by raising public awareness; and

WHEREAS, the ALS Association has plans for National ALS Awareness Month activities in May 2000. In recognition, ALSA has developed a program of education, support and awareness designed to bring nationwide attention to ALS and those affected by the disease; and

WHEREAS, the purpose of ALS Awareness Month is: Educate the public about the disease; Raise public awareness about the issues and concerns of those affected by ALS; Advocate for ALS-specific legislation; Attract new supporters to help fight ALS; and

WHEREAS, the theme for this year's ALS Awareness Month is "Get Involved... Make a Difference... Give A Reason For Hope". It's a call-to-action, a request for assistance and a symbol of the ALS Association's ongoing commitment to raise significant awareness of ALS to as many people as possible during the month of May...and all throughout the year;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as ALS AWARENESS MONTH in Illinois.

Issued by the Governor April 13, 2000.  
Filed by the Secretary of State April 20, 2000.

#### 2000-220

##### ASIAN PACIFIC AMERICAN HERITAGE MONTH

WHEREAS, the Asian Pacific American community constitutes the fastest growing minority group in the country and is an important element of our unique American mosaic; and

WHEREAS, the achievements of Asian Pacific American have contributed to our nation's progress and prosperity in a wide range of fields including art, architecture, literature, government, law, industry, commerce, medicine, science, and technologies, thus having contributed to the quality of life for Asian Americans and non-Asians alike; and

WHEREAS, Asian Americans, and all those who journeyed to the United States in pursuit of freedom and liberty, are an important part of our nation's foundation; and

WHEREAS, the Asian Pacific American community is visible and active as its members make significant strides toward full participation and equal opportunity in all walks of life;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as ASIAN PACIFIC AMERICAN HERITAGE MONTH in Illinois and urge all citizens to join this celebration recognizing the infinite contributions of Asian Americans to our great State.

Issued by the Governor April 13, 2000.  
Filed by the Secretary of State April 20, 2000.

#### 2000-221

##### BETTER SPEECH AND HEARING MONTH

WHEREAS, since 1978, the Sertoma Speech and Hearing Center has fulfilled their mission of providing hearing and speech services to the community; and  
WHEREAS, the Sertoma Speech and Hearing Center is the only non-profit, community-based speech and hearing center in the south/southwest Chicago region; and

WHEREAS, since the Center is community-based and supported, all funds earned by the Center go directly back into services. These include, but are not limited to, providing assessment, treatment, assistive communication devices, and educational services to individuals or other institutions;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as BETTER SPEECH AND HEARING MONTH in Illinois.

Issued by the Governor April 13, 2000.  
Filed by the Secretary of State April 20, 2000.

#### 2000-222

##### KHALSA DAY

WHEREAS, Guru Gobind Singh, the 10th Guru of Sikhs, first initiated the Sikhs on Vaisakhi Day in 1699 AD and created the institution of Khalsa to establish a spiritually inspired democratic world with equality, justice, and religious freedom for all irrespective of cast, color, creed or gender; and  
WHEREAS, the Sikhs constitute a well-established religious, social and ethnic group among the people who have immigrated to Illinois and the United States of America; and

WHEREAS, Sikh immigrants have added to the American culture and continue to maintain their own culture and tradition; and  
WHEREAS, Sikhs have been involved in the social, cultural and economic arenas of Illinois; and

WHEREAS, approximately 20 million Sikhs worldwide are celebrating, "1st Khalsa Sirjana Divas," on Vaisakhi Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 14, 2000, as KHALSA DAY in Illinois.

Issued by the Governor April 13, 2000.  
Filed by the Secretary of State April 20, 2000.

#### 2000-223

##### KIDS DAY

WHEREAS, the health and well-being of Illinois children are the responsibility of each of us; and

WHEREAS, the safety of Illinois children is a significant concern for parents, community leaders and health care givers; and

WHEREAS, environmental welfare is of universal concern and deserves the utmost attention; and

WHEREAS, if started in childhood, proper health, safety and environmental habits can be maintained for a lifetime, producing a valued member of society, and enhancing our community; and

WHEREAS, Kids Day in Illinois is an opportunity for state citizens to learn about health awareness, fire safety, bike safety, recycling, drug awareness, and many more important topics to keep our children safe and make the State a healthier and happier place;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

May 20, 2000, as KIDS DAY in Illinois.

Issued by the Governor April 13, 2000.

Filed by the Secretary of State April 20, 2000.

#### 2000-224

##### LIONESS CAMEL DAY

WHEREAS, the Lioness Clubs of Illinois tirelessly donate their time to ongoing efforts to help the blind, visually impaired, deaf, and hearing impaired; and

WHEREAS, the Lioness Clubs of Illinois are sponsoring Lioness Caramel Day for Sight and Sound throughout our State May 5, 2000; and

WHEREAS, Caramel Day is being held under the auspices of the Lioness of Illinois Foundation, a nonprofit organization; and

WHEREAS, Illinois residents will benefit greatly from funds raised on Caramel Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 5, 2000, as LIONESS CAMEL DAY in Illinois.

Issued by the Governor April 13, 2000.

Filed by the Secretary of State April 20, 2000.

#### 2000-225

##### MULTIPLE CHEMICAL AWARENESS WEEK

WHEREAS, Multiple Chemical Sensitivity (MCS) is a condition caused by exposure to toxic chemicals in our air, water and food; and

WHEREAS, MCS is a widespread condition that affects people of all ages and backgrounds; and

WHEREAS, many workers have been affected by MCS. MCS often results in major personal, financial, employment, housing, health and social consequences; and

WHEREAS, the health of the general population is at risk from chemical exposures that may be preventable by reducing or avoiding chemicals in our environment;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 10-16, 2000, as MULTIPLE CHEMICAL SENSITIVITY AWARENESS WEEK in Illinois.

Issued by the Governor April 13, 2000.

Filed by the Secretary of State April 20, 2000.

#### 2000-226

##### NATIONAL COLLEGE OF CHIROPRACTIC DAYS

WHEREAS, The National College of Chiropractic, located in Lombard, Illinois, is a world-renowned institution of higher education; and

WHEREAS, since its founding in 1906, National College has stressed the importance of providing the highest possible quality of education and professionalism for its students; and

WHEREAS, the state of health of the citizens of Illinois and the world has been greatly enhanced by the existence of The National College and the chiropractic physicians it has produced; and

WHEREAS, The National College of Chiropractic will hold its annual homecoming June 22-24, 2000, in Lombard, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

June 22-24, 2000, as NATIONAL COLLEGE OF CHIROPRACTIC DAYS in Illinois.

Issued by the Governor April 13, 2000.

Filed by the Secretary of State April 20, 2000.

#### 2000-227

##### NORWEGIAN CONSTITUTION DAY

WHEREAS, Norway is the longest standing democratic constitution in Europe, and it has defended and maintained democracy over this long period; and

WHEREAS, Norwegian Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our State; and

WHEREAS, to commemorate the 186th Anniversary of the signing of the Norwegian Constitution or "Syttende Mai" several celebrations are being planned; and

WHEREAS, the annual Norwegian Parade in Park Ridge, founded in 1899 by the Norwegian National League of Chicago, will be held May 21, 2000; and

WHEREAS, many organizations will march in the parade including Sons of Norway's Lodges, Men's and Women's Choruses, a Norwegian nursing home, and the Norwegian Elkhoods; and

WHEREAS, Carol Meland Hoidahl, who will be honored for many years of dedication and commitment to the Norwegian American community, will precede the 2000 Norwegian Parade as Grand Marshal; and

WHEREAS, the honorary Grand Marshal is Svein Ludvigsen, Vice President of Lagting-Division of the Norwegian Parliament; and

WHEREAS, the Governor's Office of Ethnic Affairs will sponsor a Norwegian cultural and historic exhibit, May 19th - May 19th in the James R. Thompson Center in Chicago; and

WHEREAS, the annual banquet of the Norwegian National League of Chicago will be held May 20, 2000, at the Scandinavian Club in Arlington Heights, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 17, 2000, as NORWEGIAN CONSTITUTION DAY in Illinois.

Issued by the Governor April 13, 2000.

Filed by the Secretary of State April 20, 2000.

#### 2000-228

##### SAFE KIDS WEEK

WHEREAS, Illinois SAFE KIDS Coalition, led by the Illinois Department of Public Health, unites public, private and voluntary organizations to reduce preventable childhood injuries in Illinois through community awareness, education and public policy;

WHEREAS, the SAFE KIDS Coalition, in partnership with Johnson & Johnson and the National Athletic Trainers' Association, will launch the major sports injury prevention initiative "Get Into the Game" during National SAFE KIDS Week 2000 (May 6-13) in an effort to reach citizens throughout Illinois with important child safety information; and

WHEREAS, each year an estimated 3.5 million children 14 years of age and younger suffer from sports- and recreation-related injuries. Brain injury is the leading cause of sports- and recreation-related deaths; and

WHEREAS, the National SAFE KIDS campaign promotes childhood injury

prevention by uniting diverse groups into local and State coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology and raising awareness through the media regarding the following risk areas: sports and recreation, traffic crashes, burns, falls, choking, poisoning, drowning and home safety; and

WHEREAS, National SAFE KIDS Week 2000 includes a national public awareness campaign that includes public service announcements and distribution of millions of pieces of safety information through schools, at community-based events, at retail outlets and out-reach to thousands of community leaders and organizations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 6-13, 2000, as SAFE KIDS WEEK in Illinois.

Issued by the Governor April 13, 2000.  
Filed by the Secretary of State April 20, 2000.

## 2000-229

## SKY AWARENESS WEEK

WHEREAS, Sky Awareness Week was started in 1991 to increase people's knowledge, awareness, and appreciation of the sky and the life-sustaining sun, air, and water; and

WHEREAS, Sky Awareness Week provides an opportunity to emphasize the importance of protecting these valuable environmental resources. Air and water quality, ozone depletion, and global warming are all areas of concern which need to be intensely studied and addressed; and

WHEREAS, valuable information and cloud types, weather patterns, and atmospheric change can be obtained through studies of the sky; and

WHEREAS, during Sky Awareness Week, weather broadcasters, teachers, nature and science center staffs, planetarium personnel, and others are encouraged to promote appreciation of the sky as a natural resource, a vehicle for studying science, and an object of wondrous beauty;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23-29, 2000, as SKY AWARENESS WEEK in Illinois.

Issued by the Governor April 13, 2000.  
Filed by the Secretary of State April 20, 2000.

## 2000-230

## ARBOR DAY

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, the year 2000 is the 128th anniversary of the holiday and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, and fuel and they beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 28, 2000, as ARBOR DAY in Illinois.

Issued by the Governor April 17, 2000.  
Filed by the Secretary of State April 20, 2000.

## 2000-231

## DIRECT DEPOSIT AND DIRECT PAYMENT WEEK

WHEREAS, our nation's payments system costs more than that of other industrialized nations; and

WHEREAS, Direct Deposit and Direct Payment, electronic payment methods that allow consumers and businesses to get paid and to pay their bills automatically, can reduce the nation's costs considerably; and

WHEREAS, Direct Deposit and Direct Payment also help individuals and businesses save time and manage their finances more efficiently and securely; and

WHEREAS, the Direct Deposit and Direct Payment Coalition (composed of the Federal Reserve, NACHA, The Electronic Payments Association, and regional Automated Clearing House Associations) seeks to promote the benefits of Direct Deposit and Direct Payment to improve the efficiency of the nation's payments system, to reduce payment risk, and to provide the utmost privacy and security to users;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 15-19, 2000, as DIRECT DEPOSIT AND DIRECT PAYMENT WEEK in Illinois.

Issued by the Governor April 17, 2000.  
Filed by the Secretary of State April 20, 2000.

## 2000-232

## HUNTINGTON'S DISEASE AWARENESS MONTH

WHEREAS, Huntington's Disease is a rare genetic disease of the brain for which there is currently no treatment or cure. This disease strikes mostly young adults in the prime of their working age, is long in its duration and progression, and is terminal; and

WHEREAS, an estimated 30,000 people nationally suffer from Huntington's and another 150,000 people are at risk for developing this dreadful disease; and

WHEREAS, the Illinois Chapter of the Huntington's Disease Society of America with its 2,000 members is a non-profit organization and shares one-third of its money with the national organization, dedicated to research, while the remaining two-thirds of its money stays in the State to help those families who have loved ones affected by this neurological disease;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as HUNTINGTON'S DISEASE AWARENESS MONTH in Illinois.

Issued by the Governor April 17, 2000.  
Filed by the Secretary of State April 20, 2000.

## 2000-233

## LOYALTY DAY

WHEREAS, this nation is kept strong and free by the loyal citizens who preserve our precious heritage through their positive patriotic declarations and actions; and



WHEREAS, all loyal citizens should make it their duty to inspire complete patriotism among all of our peoples; and

WHEREAS, we urgently need a vigorous display of true red, white and blue Americanism, thus convincing friends and enemies alike that our nation is firmly united for self-preservation; and

WHEREAS, the Veterans of Foreign Wars and its Ladies Auxiliary are actively participating in patriotic programs on May 1, 2000;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 1, 2000, as **LOYALTY DAY** in Illinois.

Issued by the Governor April 17, 2000.

Filed by the Secretary of State April 20, 2000.

## 2000-234

**MENTAL HEALTH WEEK**

WHEREAS, May is National Mental Health Month; and

WHEREAS, today, at least one in five American children and adolescents may have a behavioral, emotional, or mental health problem. At least one in 10- or as many as 6 million young people- may have a serious emotional disturbance that severely disrupts his or her ability to interact effectively with family, at school, and in the community; and

WHEREAS, these children live in the cities, suburbs, and rural areas of our country. They come from wealthy, middle-class, and poor families and from every race and culture. But no matter what their backgrounds, children with serious disturbances and their families often do not receive the services and support they need to help them with their problems;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 7-13, 2000, as **MENTAL HEALTH WEEK** in Illinois.

Issued by the Governor April 17, 2000.

Filed by the Secretary of State April 20, 2000.

## 2000-235

**STROKE AWARENESS MONTH**

WHEREAS, a stroke is a sudden interruption of blood to the brain causing the brain to be deprived of oxygen and nutrients, requiring emergency response and treatment; and

WHEREAS, stroke is the third leading cause of death in the United States and the number one cause of disability in adults; and

WHEREAS, the warning signs of a stroke are well-defined, making stroke a preventable medical catastrophe; and

WHEREAS, lifestyle changes can reduce the chance that a stroke may occur; and

WHEREAS, public education is key to reducing the financial and human costs of strokes;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 2000 as **STROKE AWARENESS MONTH** in Illinois, a time to emphasize the importance of treating brain attack as an emergency, knowing stroke's warning signs and understanding what can be done through lifestyles changes to prevent strokes.

Issued by the Governor April 17, 2000.

Filed by the Secretary of State April 20, 2000.

## 2000-236

**THE FOUR BRIDGES OF ELGIN DAY**

WHEREAS, the Chicago Special Events Management Team (CSEM) is the largest special event production and marketing organization in the Midwest; and

WHEREAS, since its inception in 1987, CSEM has established itself as a leader in event production, sponsorship procurement and fulfillment, while offering a full turnkey program that also includes media, advertising, public relations and marketing; and

WHEREAS, the Four Bridges of Elgin (4BE) is an athletic event featuring the international sports of bicycle racing and inline skating. In conjunction with the racing events, there will be a festival with local food vendors, area merchants, information booths, and related entertainment; and

WHEREAS, the goal in this first year is to create a quality sporting event that will showcase the City of Elgin. This first year will also be a base for the establishment of a well-respected international event; and

WHEREAS, on July 9, 2000, the first ever Four Bridges of Elgin sporting event will take place;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 9, 2000, as **THE FOUR BRIDGES OF ELGIN DAY** in Illinois.

Issued by the Governor April 17, 2000.

Filed by the Secretary of State April 20, 2000.

## 2000-237

**TUFTONIA'S WEEK**

WHEREAS, Tufts University, founded in 1852, is devoted to scholarship of the highest order and teaching of exacting quality; and

WHEREAS, Tufts University, comprised of the College of Arts and Jackson College, College of Engineering, Graduate School, School of Medicine, School of Dental Medicine, Sackler School of Graduate Biomedical Sciences, School of Nutrition Science and Policy, School of Veterinary Medicine, and the Fletcher School of Law and Diplomacy, has educated 979 residents of the State of Illinois who contribute to the economic and cultural life of the region; and

WHEREAS, Tufts University and its graduates throughout the world are celebrating the Sixteenth Annual Tuftonia's Week, a time to thank Tufts, thank Tufts, and toast Tufts, and to reflect honor on Tufts through alumni participation in Community Services;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23-29, 2000, as **TUFTONIA'S WEEK** in Illinois.

Issued by the Governor April 17, 2000.

Filed by the Secretary of State April 20, 2000.

## 2000-238

**BETA SIGMA PHI WEEK**

WHEREAS, Beta Sigma Phi is the world's largest Greek Letter women's cultural, social and service organization with more than 250,000 members active in more than 12,500 chapters throughout the United States and in 36 countries around the world; and

WHEREAS, this organization has worked for charitable and cultural endeavors by raising money and donating time and talents to those in need everywhere; and



WHEREAS, the members of Beta Sigma Phi strive to improve the individual growth and development of women and to help women become active, constructive citizens in their communities; and  
 WHEREAS, the Greek symbols, Beta Sigma Phi, signify Life, Learning and Friendship;  
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim April 23-29, 2000, as BETA SIGMA PHI WEEK in Illinois.  
 Issued by the Governor April 18, 2000.  
 Filed by the Secretary of State April 20, 2000.

2000-239  
**WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY**

WHEREAS, poverty, loneliness, and anonymity are ever present realities in our society; and  
 WHEREAS, many citizens, visitors, and strangers, at any given time, are victims of these tragic conditions that often lead to suffering, abandonment, and death; and  
 WHEREAS, various individuals, groups, and organizations (public, private, and religious) make heroic efforts to remember and care for these indigent, disabled, lonely, and unknown persons who live and die among us; and  
 WHEREAS, the unselfish acts of these caregivers and the contributions to our society of caregivers are not always known nor formally recognized; and  
 WHEREAS, citizens of the State of Illinois are encouraged to participate in various community awareness exhibits and seminars, to visit the sick, elderly, confined, orphaned and dying, attend interfaith memorial services, and visit and preserve the Fetter's Field in their area; and  
 WHEREAS, the hope and noble desire of all is to share equally in the blessings of liberty, justice, and prosperity granted by Almighty God;  
 THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim May 24, 2000, as WE REMEMBER, WE CARE FOR INDIGENT PERSONS DAY in Illinois.  
 Issued by the Governor April 18, 2000.  
 Filed by the Secretary of State April 20, 2000.

Rules enacted upon during the calendar quarter from Issue 17 through Issue 29 are listed in the Issues Index by Title number, Part number and issue number. For example, 50 Ill. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jhalele@ccgate.sos.state.il.us (Internet address).

PROPOSED	
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**ADOPTED**

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TOTAL AMOUNT OF ORDER

\$

☐ Check ☐ VISA ☐ Master Card ☐ Discover, Card #: \_\_\_\_\_  
(There is a \$1.50 processing fee for credit card purchases.)

Expiration Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

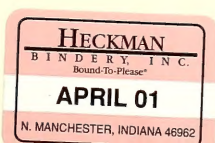
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_











**HECKMAN**

**BINDERY, INC.**

*Bound-To-Please®*

**APRIL 01**

**N. MANCHESTER, INDIANA 46962**



